

A model for the prevention of corruption and corruption-related offences at Gauteng police stations

by

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## Summary

The research entailed an exploration of the reasons behind corruption and related offences in selected Gauteng police stations of the South African Police Service (SAPS). Corruption refers to the illegal and unlawful activities performed by police officials when they enrich themselves by taking money and other valuable property from offenders, victims and other people they come into contact with. The participants in this study were purposefully chosen and comprised of two groups. The first group included ex-police officials convicted and sentenced for committing corruption and related offences. The second group were active police officials suspected to have committed corruption and related crimes and some in this group were dismissed by disciplinary tribunals. The research was done at four of the police stations in Gauteng Province. There were 18 participants interviewed and nine were chosen from these police stations, with the remaining nine from two correctional facilities in Gauteng. The participants were asked an open-ended question which aimed at exploring convicted police officials' reasons for having committed corruption. The interviews were recorded with the participants' permission.

The recorded data were transcribed verbatim and analysed. The five main themes that emerged are the high incidence of corruption involving all levels of police, multiple environmental factors which contribute to corruption, forms of corruption, dynamics resulting from corruption and anti-corruption mechanisms to prevent corruption. The themes were described using "in vivo" quotes from the transcribed data. To learn other trends about corruption, the nature and extent of corruption in the political, economic and the governmental sphere were discussed. In the summary of the research recommendations and conclusions were provided. A model has been identified which consists of preventative and reactive mechanisms, including selection, recruitment, the code of conduct, supportive leadership, supervision, mentoring and coaching, targeted inspections and auditing. Life style audits, disciplinary measures, dismissals and prosecution in these corruption case hearings also form part of the proposed model.

## List of Acronyms

APP	Annual Performance Plan
ACS	Anti-Corruption Strategy
AU	African Union
BRICS	Brazil, Russia, India, China and South Africa
CJS	Criminal Justice System
DCS	Department of Correctional Services
DPCI	Directorate for Priority Crime Investigation
FLASH	Firearm, Liquor and Second Hand goods
ICD	Independent Complaint Directorate
IPID	Independent Police Investigative Directorate
IPCC	Independent Police Complaints Commission
MNEs	Multi National Enterprises
PAA	Public Audit Act
PEP	Performance Enhancement Plan
PFMA	Public Finance Management Act 1 of 1999
POCA	Prevention and Combatting of Corrupt Activities Act 12 of 2004
PSC	Public Service Commission
NPA	National Prosecuting Authority
RSA	Republic of South Africa
SAPS	South African Police Service
SSA	Sub-Saharan Africa
SCF	Singapore Police Force
SCM	Supply Chain Management
SIF	Service Integrity Framework
SMEs	Small Medium Enterprises

tjo-tjo

Sotho word for illegally benefitting from something

UNCAC

United Nations Convention against Corruption

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Lieutenant Colonel C.L. Booysen for her assistance in gathering the statistics of corruption and corruption-related cases in Gauteng SAPS.

## Dedication

This thesis is dedicated to my beloved late wife, Colonel Jeanie Rajin. A true Lady in “Blue” (1989 to 2015) in every sense of the word, who had the humbleness of a lamb in her veins. The most beautiful smile during the most difficult of times and who supported me in my darkest days and nights in the South African Police Service (SAPS).

Thank you for your never-ending love, support, encouragement, motivation and inspiration. Your keen pursuit of knowledge throughout our journey is immeasurable. You will never be forgotten.

## Declaration

I declare that “A model for the prevention of corruption and corruption-related offences at Gauteng police stations” is my own work, both in conception and in execution, and that all sources that were consulted and quoted during this study, have been acknowledged by means of complete references.

I further declare that this study has not been submitted before for any degree or examination at any other University.

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## DECLARATION

I, Maria Petronella Roodt, hereby declare that I have proofread and edited the D.Phil thesis titled “**A model for the prevention of corruption and corruption-related offences at Gauteng police stations**” by RGD Rajin.

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MP Roodt

07 November 2016



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## **ADDENDA**

- Addendum 1      Permission to Conduct Research in the SAPS
- Addendum 2      Department of Correctional Services approval letter to conduct the  
research
- Addendum 3      Ethical clearance certificate
- Addendum 4      Informed consent form
- Addendum 5      Certificate by Emoyeni collaborations for Co-Coding Individual  
interviews

## **CHAPTER ONE**

### **1. ORIENTATION TO THE STUDY**

#### **1.1 Introduction**

Corruption occurs in all sectors of the community, as it takes place in the private sector as well as among employees of public sector institutions, such as the SAPS. Corruption is a serious offence known by all police officials as unlawful, illegal and will result in dismissal from the police service if an official is found guilty of this crime. Regardless of this knowledge, corruption is still committed by police officials. The corrupt activities committed by police officials threaten the impartiality, just and fair treatment of the communities which is required from policing. The communities will begin to lose trust in the police as law enforcers and this will result in damaging the image of the police even further.

Once the image of the police is blemished by corruption, the public who are the clients of the police will be afraid to report activities of offenders as well as other crimes. The men and women in blue are the servants of the community, employed to be the protectors of the community and the nation. Besides the communities losing trust, corruption will lead to the offenders gaining the upper hand to commit more crime and render communities even more unsafe.

In this chapter the main focus will be a discussion of the problem statement, the significance of the study, clarification of key concepts, the aim and objectives of the study, the main question asked to the participants and finally, a summary of the chapter. The referencing style is key to acknowledging the sources and work of authors. In this study the researcher used the American Psychological Association (APA) to cite sources (Sieberhagen, 2009). The APA referencing method is a well-recognised method and used in social sciences (Staines, Johnson, & Bonacci, 2008).



## 1.2 Problem Statement

Police officials have the power and authority to perform certain duties and tasks entrusted to them by the South African Constitution. In terms of section 205 of the Constitution of the Republic of South Africa (RSA), 1996, the aims of the police service is to maintain public order, prevent, combat and investigate crime (South Africa, 1996). The officials who are entrusted with these important duties and functions turn to crime and become law breakers by committing corruption and crime. If this is the case, there will be no-one to ensure that there is law and order in South Africa. Corruption committed by police officials has vast negative consequences for the police and for the Government, since communities are fast losing trust in the entire Criminal Justice System (CJS). The communities need and rely on the police to investigate their cases and take them to court for justice to be done.

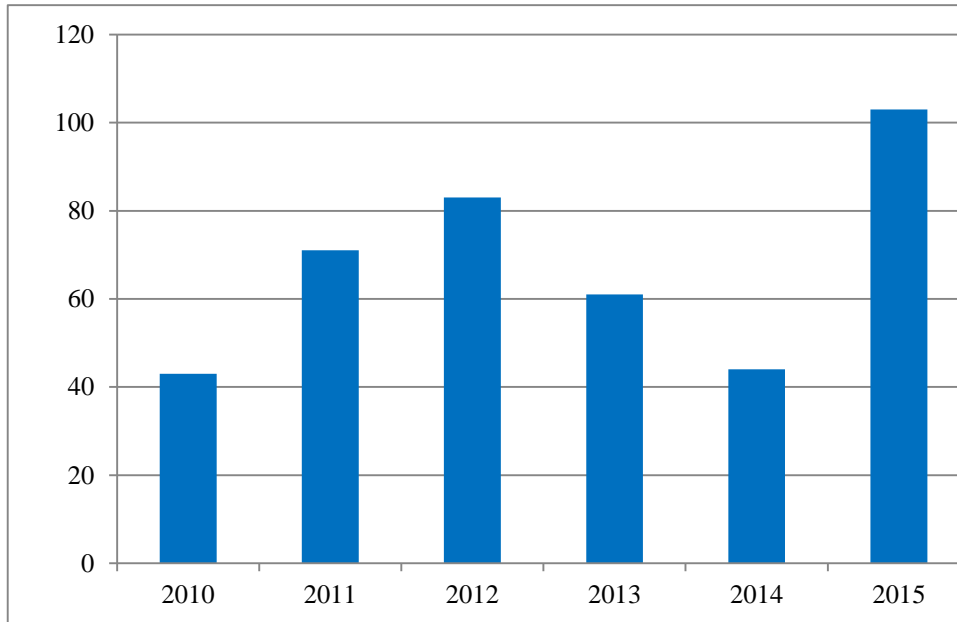
Most of the victims of criminal offences are traumatised as a result of being harmed by financial losses, physical, mental, and/or emotional injury and in some circumstances their basic rights have been impaired. The losses and injuries make the victims dependable on the police to provide a high quality service, from the initial reporting to the finalisation of the investigation. Most victims report to the police in order to trace and apprehend the offenders. In a research study conducted by Jewkes, Vetten Jina, Christofides, Sigsworth and Loots (2012) regarding single and multiple rapes in South Africa, the findings created a perception that police collude with criminal gangs by being corrupt with the rapists.

The first civilian National Police Commissioner of the SAPS, Jackie Selebi was convicted for corruption and was replaced by another non-police Commissioner, Bheki Cele (Smith, 2010). As the National Commissioner of the SAPS, Bheki Cele reacted speedily on appointment, stating that the police was dealing harshly with corruption and a strict warning was sent to criminals within the police. In February

2011, less than a year after the conviction of Jackie Selebi, “*the office of the Public Protector issued a stern warning by releasing a report in which the new Police Commissioner was accused of conduct that was improper, unlawful and amounted to maladministration by violating laws and regulations while failing to seek competitive bids in the leasing of police offices*” (Ivkovic & Sauerman, 2012) The termination of both Police Commissioners’ services before the end of their contract, as a result of actual and alleged deeds of corruption, diminished the already poor image of the police and reduced the trust of both the public and police members in the police management of the SAPS (Ivkovic & Sauerman, 2012). In another case Kiva (2015) reported that in Cape Town three police officers were arrested after they allegedly stole dagga from a murder crime scene and sold it to drug dealers. With the levels of corruption allegations made against the police, it will be difficult to convince the communities that the police are doing everything in their power to apprehend offenders and perform their duties in a fair and an accountable way.

The figures for corruption in Gauteng show that for the period 2010 to 2015 there were 405 police officials arrested for committing corruption-related offences. Corruption-related offences are corruption, extortion, bribery, business robbery, house robbery, armed robbery, theft and fraud. These statistics are collated and kept at the provincial disciplinary office and is fairly reliable and is updated monthly with proper records. Each and every case against a police official is reported to this office and immediately the data is recorded and progress of the investigation and outcome is monitored. Figure 1.1 below is a graph depicting the total number of corruption-related offences from 2010 to 2015.

Figure 1.1 Overall Corruption Cases in Gauteng: 2010-2015



(Booyesen, 2015).

The total number of corruption and corruption-related cases recorded at Gauteng's disciplinary offices for the period 2010 to 2015 are 405. In 2010 there were 43 recorded cases, in 2011 the number went up to 71, and there was a further increase again in 2012, to 83. The initiative of a proper record keeping mechanism improved in 2011 and this could be the reason for the clear depiction of an increase in the number of members arrested for corruption. The proper record keeping mechanism was initiated by the National Police Commissioner, General Bheki Cele, in 2010. Then in 2013 a decline in corruption was recorded, as police statistics revealed a decrease to 61 and in 2014 a further decrease to 44. The decrease could be attributed to police officials becoming a little more cautious when committing corruption.

The total number of corruption and corruption-related cases increased in 2015 to 103 and this can be caused by their perception that the investigative techniques were relaxed. The proper recording and reporting mechanism implemented in the SAPS also made it easier to identify repeat offenders and closer observation and monitoring of their wealth were kept. The decrease in number does not imply there was a decrease in corruption, but could mean that corrupt officials became more sophisticated and evaded being arrested

as a result of improved monitoring processes of corruption-related case by the management of the SAPS. During the period 2010 to 2015 a total of 405 police officials were arrested for corruption-related offences. In these cases police officials used their powers to commit crimes for personal gain and the cases are robbery, fraud, theft, smuggling of drugs and precious stones and housebreaking (Booyesen, 2015).

Police officials have to be ethically and morally strong to resist any form of corrupt deed. The code of conduct and the prevention of corruption strategy were all put in place to ensure that corruption is prevented in the SAPS. Even though all these preventative measures are in place, senior officers as well as junior officials are still committing acts of corruption and there is a lack of sufficient literature concerning police officials' explanation as to why they are committing corruption. Therefore the research question why police officials commit corruption attempts to provide reasons for improving strategies to prevent corruption in the SAPS Gauteng.

### 1.3 Significance of the Study

Grobler (2013) explains in her research that South Africans need clarity on the prevalence of criminality in the SAPS and recommends that similar research to the one undertaken by herself be conducted in the entire SAPS within the other eight provinces in the Republic of South Africa and at the national office. Research of this nature will provide comparative information for police management to use when formulating and implementing the best anti-corruption policies.

In addition, the researcher was inspired by a 'ground-breaking' article by Dixon (2012) on the quality of research done on offenders and crime. Dixon (2012) explains that criminologists usually conduct studies around the issue of crime. In this ground-breaking article titled Understanding "Pointy Face", Dixon (2012) further described criminology as consisting of an organised way of thinking and researching crime, offenders and control of crime. He states that academic

criminology is best explained that it involves a more scientific sector of a much wider field that extends far beyond universities, and that there is a linkage between the different environments and systems. These worlds and events overlap, and one may have a profound effect on what happens in others (Dixon, 2012).

In the present study the researcher therefore interviewed police officers convicted and sentenced for corruption-related offences and those who have been arrested for corruption but are awaiting a court trial. The reason behind these interviews was to learn more regarding the reasons why police officials are involved in corruption.

As mentioned in the problem statement, there are numerous allegations of corruption committed by SAPS officials in Gauteng. In the light of these allegations and the recommendations in the study by Grobler (2013), this research will describe the experiences of police officials involved in corruption in order to suggest improvements to strategies used to deal with corruption within the police. The study will seek to contribute to the prevention of corruption and how to deal with corrupt police officials through the recommendations to reduce corruption. Studying police officials' experiences regarding reasons for committing corruption might be important in providing insight into these phenomena through the understanding of the phenomenon in the study context.

A literature study was done to gain insight into the experiences of corrupt police officials in the specific context of policing. As far as this researcher could determine, a similar study has not been done in South Africa before and the findings will therefore add to new knowledge in academia.

#### 1.4. Clarification of Corruption

Corruption is the main concept that will be discussed throughout the study. Punch (2009) explains that the definition of corruption is complex and involves a range of offences involving abuse of power and authority and that corruption is much broader than bribery. It also involves committing a variety of criminal offences such as theft and defeating the ends of justice. Faull (2007) provides a specific definition and stipulates that for any act to be corrupt it must involve abuse of entrusted power for personal gain. Delegated power is embedded in police work and is something police members have in abundance. The legal power of the police is entrusted upon them by the legislations and starts in the objects of Section 205 of the Constitution of 1996. The police is given the power to arrest and detain people who are suspected to have committed an offence. Police corruption is used to describe a range of illicit police behaviours, from falsifying evidence to obtaining personal financial or other materialistic items for either pursuing an investigation, accepting bribes for not reporting criminal activities, providing police information to offenders, opportunistic thefts and corruption during policing activities (MacVean & Neyroud, 2012).

In addition, the Prevention and Combatting of Corrupt Activities, Act 12 of 2004 (referred to henceforth as Act 12 of 2004) lists certain categories of crime and includes the term gratification as part of corruption. The term gratification is defined as the taking of money, any donation, gift, loans, fees, rewards, valuable security, property or interest in property of any description. It is also the avoidance of loss, liability, penalty, for future punishment or other disadvantage. Moreover, it includes the illegal provision of employment, contract of employment or services, any agreement to give employment or render a service in any capacity and residential or holiday accommodation. Any payment, release, discharge or liquidation of any loans, obligation or other liability, whether in whole or in part, as well as any action to demand any money or money's worth or valuable thing (South Africa, 2004 (a)).

More detailed and a more specific explanation is alluded to by Punch (2009), namely that there are two types of corruption; firstly police officials are prone to take a gift and small amounts of money, by accepting a cup of coffee, a free meal, and a bed at a discounted price from a merchant, but eventually they know where to draw the line. These police officials are scrupulous about their everyday policing and when an opportunity is available for the taking of a small amount as a bribe or as a gift they will readily take the bribe or the gift fearlessly. Other authors such as Newham and Faull (2011) and Grobler (2005) support the views of Punch that there are two groups of corrupt police officers and that the one group would take small amounts of money from offenders, sex workers and drug pedlars and they are referred to as the “grass eaters”. They also take gifts, free meals and discounts from vendors on goods and services.

Secondly, the more serious and determined type of highly corrupted police officials is referred to as the eaters” by Punch (2009). These police officials go out of their way, they plan well and are prepared to risk their jobs to take large amounts of money unlawfully from offenders. “Meat eaters” take the initiative route and they go in search for the money, planning their activities by organising and regulating arrangements for “Grand” corruption. The “meat eaters” work with gamblers, they deal with drugs, and they compromise serious crime investigations for money. They make deals, either for mutual benefits to the parties involved or in aggressive forms of extortion such as enforcing the licensing of illegal enterprises in return for payments and/ or offering protection from arrest and harm from competition (Punch, 2009). The terms “meat eaters” and “grass eaters” were used to informally describe a corrupt police official in the commission report issued in 1972 with regards to corruption in the NYPD. Most of the police officials who took money by requesting 5, 10 and 20 dollar payments from contractors, tow truck drivers, and gamblers among others, were referred to as “grass eaters”. The “grass eaters” take small amounts of money and do not go all out with the full intention of corruption

payments. They are loyal and faithful to their colleagues and the taking of money will classify them into the corrupt group regarded as to be trusted.

The abundant, but fairly small amounts of money were a fact of life and those officers who made a point of refusing them were not accepted closely into the fellowship of policemen. The “meat eaters” unlawfully collect a yearly amount of many thousands of dollars and may take payoffs of \$5000 or even \$50000 in one deal. These police officials are scrupulous individuals and are willing to take considerable risks as long as the potential profit remains large (Armstrong, 1972; Roth, 2010). Chin (1997) summarises the commission’s report by stating that all occupations develop their own terminology for certain issues. He mentions the two terms: firstly “meat eaters” refer to those police officials who aggressively misuse their police powers for personal gain, and on the other hand the “grass eaters” simply accept the payoff that is given to them by corrupt individuals. Grobler (2005); Newham and Faull (2011) support the view that the behaviour of the “meat eaters” are more deliberate, aggressive and damaging in pursuit of committing corruption. “Meat eaters” are considered to be more serious, aggressive and damaging by the actions in pursuit of committing corruption.

The SAPS police officials use terms such as “tjo-tjo”, or make a plan for a “cold drink” for the taking of petty amounts of cash from people. The term “tjo-tjo” is also used by police officials who take large amounts of money and this is grand corruption. Holmes (2014) argues that the term corruption is a contested phrase with a restricted definition, referring to police personnel who utilise their position, authority and power as police officials for their personal gain. In the broader sense, corruption will include any violation of rules, policies of the government and departments and legislation for personal gain, as long as the power of authority was abused. In addition, corruption also occurs when there is personal gain due to



their actions, offences of perjury, physical abuse of prisoners, sexual misconduct, robberies, theft, fraud and even racial profiling are committed.

The illegal action undertaken by police officials to accomplish successes in order to eradicate criminals boldly is known as “noble cause corruption”, and it contradicts the definition of corruption. Also the fearless behaviour by the police to attain a perceived larger social good, such as the judicial killings of several criminals and the withdrawal of charges are known as “noble cause corruption” (Bayley & Perito, 2014). Many police officials from various police departments from the world over commit this type of corruption to achieve success. The Western Australian Police found police officials breaching rules to decrease crime, arrest drug dealers and prevent illegal gambling. They tend to use the illegal tools because they lack the necessary legal ways available with which they can do their job (Porter & Prenzler, 2012). Prenzler (2009) also elaborates that “noble cause corruption” occurs when police are tempted to use illegal and unethical means to obtain justice, such as forcing a suspect to confess to have committed a crime.

There is a standard and clear definition as mentioned above for corruption, but the many different terms used are illegal activities committed by police officials working within the law enforcement agencies, and many legal systems are very limited and do not address important problems of corruption. The laws may include a definition of corruption or procedures which make prosecution and conviction very difficult (Heidenheimer & Johnson, 2009). For this study the researcher utilised information from the police system regarding corruption and corruption-related offences and cases. These cases are those committed by police officials using their position of power to commit house robbery, robbery, theft, fraud and making and taking money for their personal gain.

In this research a study was done with some participants who committed petty corruption while the others interviewed were arrested for serious corruption. Participants were able to provide information about petty corruption. According to the participants in this study there are police officials who commit serious types of corruption and they are the “meat eaters”, while others, the “grass eaters”, take small amounts of money and they operate similarly to the police officials described in the NYPD commission report. There are many police officials operating and functioning within the SAPS who take small amounts of money (Basdeo, 2010; Faull, 2011(a); & Faull, 2011(b)). The “grass eaters” constitute the largest number that are arrested in the SAPS and although their corruption is petty, they let off major criminals. These actions result in the community losing trust in the police, because people witness the “grass eaters” visiting criminals and drug dealers and these actions occur in all crime hotspots (Ivkovic & Sauerman, 2012).

The “grass eaters” in their own way communicate with the “meat eaters” and can turn out to become “meat eaters” and be more corruptible, because they pay attention to the way the “meat eaters” make extra money and get away with crime. This change of focus may occur because the “grass eaters” become dependent on the extra money and might fail to collect any small amount of money and will then go in search for larger amounts (Basdeo, 2010). Delattre (2002); Perez and Moore (2013) concurs whilst adding that “grass eaters” also turn a blind eye to corruption being committed. In this research the term corruption will be used to refer to illegal and unlawful activities performed by police officials to take both small and large amounts of money from offenders, victims, and other people to enrich themselves financially. The participants in this study explained that most of the police officials have an intention and the greed to collect money from the people they serve.

They have a predetermined idea of how much they need and go out with the intention to make e money. During a tour of their duties they pay courtesy calls to

well-known drug dealers and other criminals to collect small amounts of money and they may also stop and search suspected persons at road blocks to collect money from offenders and illegal immigrants. When they stop someone they will say “make a plan for a cold drink” which means give some money. Among themselves they refer to this as “tjo-tjo”. The more desperate a police official is for money, the more readily he/she will steal from victims of crime and from suspects. They even steal recovered money, drugs and property from the scene of crime. Some break into people’s houses and businesses to rob them of their cash, drugs and other valuable properties because they know beforehand that the money and property is illegal. Others commit fraud by forging documents to favour their family and friends and change medical certificates to promote their own needs. All these actions are done illegally so that police officials can enrich themselves financially.

#### 1.5 The Purpose statement of the Study

The purpose statement explicates the aim and objectives of the study, not the problem or issue leading to the need for the study. The extent of any research should be plainly limited, allowing the researcher to remain focused, and once the aim and objectives are determined, they provide the necessary guidance to the researcher on the outcome and end results. Thus the importance of the aim and objectives will ensure that researchers ultimately achieve the purpose of the research (De Vos, Strydom, Fouche & Delport, 2011). According to Creswell (2013), the researcher needs to provide the major objective and intent to the study which will provide a framework for the research. This view is supported by Babbie and Mouton (2012) that the aim of a study is to provide an understanding of the meaning which the researcher attributes to a specific study.

The aim and objectives do justice in achieving the intent of the study. An examination of their discussions indicates that the above-mentioned authors refer to the purpose statement as the central, controlling idea in a study. This section is called the purpose statement because it conveys the overall intent of the proposed

study in a sentence or several sentences. In proposals, researchers need to distinguish between the purpose statement, the research problem and the research questions. The purpose statement sets the aim and objectives, the intent, or the major idea of a research study. This idea builds on a problem and is refined into specific research questions. The aim of this study is to explore police officials' reasons for having committed corruption in SAPS. The research question for this study is therefore "what are the reasons individual police officials give for having committed deeds of corruption?".

#### 1.6 The objectives of this study are to:

- Describe measures that are in place by the SAPS to combat police corruption;
- Determine the impact police corruption has on the their work and personal lives of police officials;
- Describe police officials' reasons for having committed police corruption;
- Describe organisational challenges that create conditions conducive for police corruption;
- Describe justifications for having committed acts of police corruption; and
- Make recommendations to the SAPS management on the prevention of police corruption in SAPS Gauteng in the form of a model.

A good study would make the reader aware of the interrelationship between the purpose statement and the aim and objectives and the design and approach should be clearly communicated from the start of the research study. The purpose statement gives direction to the study and delineates the plan of the research. Therefore the purpose statement, the aims and objectives must be prudently formed and composed in unambiguous language. The researcher will achieve the purpose and intent of the research by clearly describing the plan for the study.

## 1.7 Summary

In this chapter, an introduction which briefly introduced the problem of police corruption was presented. The problem statement and significance of the study was discussed. The key concept, corruption, was defined and the purpose statement of the research on the aim and objectives of the study was described. The next chapter will describe the nature and extent of corruption in South Africa and anti-corruption measures.

## CHAPTER TWO

### 2. THE NATURE AND EXTENT OF CORRUPTION IN SOUTH AFRICA

#### 2.1 Introduction

“Rotten apples, rotten trees and rotten orchards” are terms often used to describe the unfolding of corruption occurring in law enforcement agencies and in organisations by Senior Management in order to defend the corruption allegations levelled against them. Senior management refers to corrupt police officials as “rotten apples”. The few “rotten apples”, if left unmonitored, ultimately infest the entire organisation. They abuse their power; commit bribery and get involved in dishonest secret deals to perpetuate grand corruption. Corruption, if allowed to continue, will spread throughout the organisation, fermenting and becoming an epidemic until it leads to the growth of “rotten trees” and eventually a “rotten apple” orchard’. To eradicate corruption remains a mammoth task within most state departments and parastatals. Many people believe that the solution to the ever-increasing cost of living and desired ostentatious lifestyles is their vision of committing corruption to satisfy their desires.

In the post and pre-1994 periods, scandals of corruption in the Republic of South Africa overwhelmed most people who craved more money. There are widespread allegations of corruption in the political and governmental, economic and societal spheres and some of the perpetrators that are found guilty get off lightly in the courts. There are continuous rumours of high-ranking government officials being involved in corruption, using official money for their private use. In some instances public servants and government officials interfere and manipulate government tenders and contracts so that their family and friends are awarded contracts. There are even individuals from the business sector that are involved in some form of corruption to favour their services and products.

In this chapter a description and an overview of the nature of corruption in South Africa, the extent to which it is committed, the consequences and a summary will be provided. Appropriate and specific examples of corruption and corrupt acts in

the political and governmental, economic and societal spheres are presented to demonstrate the ways corruption is manifested and committed. A brief discussion regarding the nature of corruption in other developing countries will be done.

## 2.2 The nature of corruption in South Africa

Corruption occurs across a broad spectrum of society, both in developed and underdeveloped countries. Corruption takes place in the various spheres of the society and does not occur in a closed environment, but involves the communities, officials working in government departments, and other sectors of the economy. In this section a discussion will be presented on corruption in the political, governmental, economic and societal spheres.

### 2.2.1. Political and Governmental Sphere

Political corruption is the abuse by politicians and government officials of their power for personal gain. When an appointed political office bearer performs an illegal action for personal gain, it amounts to political corruption and includes bribery, extortion, cronyism, nepotism, patronage, influence peddling, graft and embezzlement. In these high political positions corruption is facilitated by friends who are involved in the procurement of goods and services for government departments, assisting friends with smuggling of drugs and money laundering, though it is not restricted to these activities. Sometimes it is the misuse of government power for other purposes, such as the domination of public servants who abuse their positions to provide favours to family, friends and contacts (Keightley, 2011).

The manipulation between individuals in the community and the societal structures of the same population fighting for political leadership roles sometimes causes rampant corruption while competing for resources and other services. Once the leadership is established, many forms of corruption occur, which eventually corrupt that particular society for favours and other personal gains. It becomes even more noticeable when the affluent people in that community are denied direct formal

influence on the political as well as the essential services in the government and civil service. Finally, to take some form of control, the basic official behaviour can be corrupted when its political heads and government leaders deviate from the formal duties of their public role for personal gain (Keightley, 2011). Luiz and Stewart (2013) suggest that the communities are fully aware of the manipulation and conniving by political leaders for certain resources in South Africa. Political influences and corrupt activities are prevalent in order to access specific resources which are required for the daily needs of communities. Therefore corruption erodes principled moral beliefs within society when elected officials often engage in illegal activities and the communities who voted them into power are afraid to reprimand them. Corrupt activities are typically both transactional and institutional and include interactions between governments, institutions and private individuals. Early in 2011, a Cabinet Minister reportedly used public funds to live in a luxury hotel and fly first class on government funds. Within one Province, Kwa Zulu Natal, well over 30 cases involving corruption have been investigated in the 2013/2014 financial year (Pillay, 2014).

Political corruption includes activities in which public officials abuse public power for personal gain. In 2015, the NPA confirmed corruption charges against one such public official, namely former Transport Minister Sibusiso Ndebele. The former Minister was accused of accepting more than R10 million in kickbacks to influence tender processes worth R 2 billion. The constant problem of government corruption is a persistent feature and a central risk in the public sector, especially instances of improper, unethical and immoral conduct and behaviour by politicians and public servants (Naidoo, 2013).

In paragraph 2.2.1 the actions of government officials depict the way administrative work protects the corrupting influence of partisan politics, as well as abuse of public office by political leaders and officials for personal or private gain. To prevent corrupt activities by the executive power, it is clear that there must be a separation of powers, otherwise there will be political influence to favour the political head in



the administrative work, for instance in the awarding of tenders, procurements and other financial deals that the government secures for activities to improve the lives of the people. Often public servants are inconvenienced exactly at the point of conflict between the demands of modern government and traditional power structures. It is in this context that the entrenched informal structures and networks are able to resist the introduction of new norms of governance, thus undermining attempts to combat corruption (Pillay & Kluvers, 2014).

A brief explanation will be provided about the way South Africa was governed prior to 1994 with certain policies and transitional policies which came into effect after the first democratic elections in the same year and there was a great shift to accommodate the majority of previously disadvantaged people into government. A short and brief account of some of the examples of corrupt practices that have taken place will be given. The victory of the National Party in 1948 and the introduction of apartheid policies signified an administrative transition from the previous administrations. The so-called policies which favoured the 'rent seeking' of government supporters began. It all commenced with an increase in large numbers of Afrikaners being employed in the Civil Service, particularly at junior levels. Stable employment and upward social mobility was provided for the working class and lower middle class Afrikaners and all these strategies were done within the bounds of legality.

The political leadership paid a heavy price for these policies. The new officials at senior levels lacked the expertise of those they had replaced, and there were continuing skill shortages in administration of government departments. The recruits to the junior levels were often amongst the least educated and resourceful amongst less affluent whites. There was a certain decline in the level of professionalism of the Civil Service. The role of patronage in these changes was so great, that there was relatively little evidence of overt corruption in the top ranks of the bureaucracy and this can be attributed to the civil servants genuinely believing that they were serving the *volk* (Hyslop, 2005). In the post-apartheid

period and 17 years into democracy in 2011, the Public Protector found the then Minister of Co-operative Governance and Traditional Affairs Sicelo Shiceka's Switzerland trips at state expense to be unlawful and his actions constituted maladministration, abuse of public funds and improper conduct when he falsely claimed such trips as official (News24, 2011).

#### 2.2.1.1. The nature of corruption pre-1994

A slight shift from the hard-line policies began showing around 1972; and this time the transition was away from the purist Verwoerdian model of apartheid. There was a slight sense of 'softening' segregationist measures, by accepting the permanent presence of an urban black population, and attempting to integrate the Coloured and Indian minorities into the political entity, but for separate levels of government. The government, especially in the early years of P.W. Botha's presidency, sought to pursue this agenda while retaining power in white hands. It was during this period that corruption in government, administration and para-statal seems to have really taken off. In this sense, the rise of corruption in the South African state is closely linked to the particular way in which the apartheid system disintegrated (Hyslop, 2005). Van Vuuren (2014) agrees that South Africa has long struggled with a culture of corruption, as evident in the final years of the apartheid regime from the mid-1970s to the early 1990's. The public sector officials used a cloak of secrecy to steal vast amounts of money and move these abroad. The apartheid era bureaucracy was regarded as unfit to carry out the orders of a democratic government. In the first place it was staffed at senior levels by largely, White Afrikaans-speaking men the very people responsible for implementing the racist programmes of the former government (Chipkin, 2013).

The start of a democratic transition in South Africa in 1994 resulted in the country's new politics being transparent and people started meticulously scrutinising the government transactions for fraud and other offences related to corruption. The corruption drew the attention of the media and ensued in scandals and public controversy. The corruption ranged from the embezzling of paltry

pension payments by civil service clerks, to allegations of cabinet members' involvement in shady practices surrounding the procurement of multi-million dollar arms systems. Charges and counter-charges concerning the extent of dishonesty in public administration have been brought in against one another with speed to the courts (Hyslop, 2005).

#### 2.2.1.2. The nature of corruption post-1994

Naidoo (2013) indicates that authors like Lodge (2002) and Van Vuuren (2014) are of the opinion that South Africa's first democratic government inherited an institutional legacy of corruption, noting that by the 1980's there was evidence to suggest that political corruption was quite common in certain government departments, as well as in the homeland administrations. Their accounts of corruption under apartheid concurred, concluding that conditions of secrecy, oppression and authoritarian rule created a climate in which corrupt activity was stimulated.

The continuous involvement of senior government officials in incidents of mismanagement, unethical behaviour and corruption remains a cause for concern for the government and the people of South Africa. These senior officials on one hand could possess poor ethical values, and on the other hand they perceive that corruption can be committed and it is easy to get away. They also abuse the authority vested in them by intimidating and threatening junior officials when the latter wish to report irregularities (Sangweni, 2005).

The lack of good governance has been exposed in different procedures such as detrimental social controls and old laws. Many public service officials, because of injustices in the past, have been disadvantaged of a decent lifestyle and therefore have inspirations to acquire an affluent lifestyle they feel entitled to. Often this is the result of weak social controls and out-dated laws. The excessive red tape and strict and firm bureaucracies resulted in hampering service delivery and making it easier for officials to commit corruption, as clients feel that officials accept

favours to speed up the delivery of services, for instance driver's licences and identity documents (Pillay & Kluvers, 2014). The public service officials are entrusted with excessive discretion and the more senior the post they occupy and the more authority they exercise, the greater the opportunity for corrupt practices to be committed. Unreliable administrative arrangements and inadequate controls and accountability were inherited from the previous government. In addition, the previous exclusion of many of the homelands public service agencies from resources and the inferior education and training given to their staff resulted in the unfortunate reality that many public servants were not adequately skilled and experienced to handle their responsibility (Pillay & Kluvers, 2014).

It would appear as though government commits to the fight against corruption mostly in speeches only and to a very limited extent take action on corrupt individuals. A slight progress is noted by the establishment of the National Anti-Corruption Forum which is mandated to play an active role in evaluating the effectiveness of anti-corruption agencies and to suggest improvements where necessary (Office of the Public Service Commission, 2001). On the other hand, the call centre operators for the anti-corruption hotline appear to be lethargic and hardly ever have time to answer the phone. There is little monitoring done in the investigation on calls made to the centre and the calls should be made to specific persons so that they can be made accountable for responding to these reports of corruption (Newham & Faull, 2011). The anti-corruption hotline is inundated with many calls in respect of allegations of corruption and these calls are then referred to the relevant Divisional, Provincial, Cluster and Station Commanders to deal with (Newham & Faull, 2011). The referral is made to the very source of the corruption and this method of dealing with anonymous complaints of corrupt officials makes it difficult for the SAPS to investigate themselves.

The reality in encountering corruption committed by government officials is that if people report corrupt public servants nothing ever gets done, with the result that they soon lose faith in the system and start passing on negative messages to

friends and family. Sometimes they even report such cases in the electronic and print media to voice their frustration.

Year after year the Auditor General, appointed by government to review the financial aspects of government institutions, gives municipalities qualified audit reports, meaning that there is a vast scale of financial irregularities in these local government structures. With the losses recorded in these departments it was shocking to note that the performance bonuses of the municipal officials strategically positioned were not linked to Financial Management measures within the municipality and therefore their performance bonuses are not influenced by the report of the Auditor General, with the result that a municipality can get a disclaimer from the Auditor General and its senior managers will still get their performance bonuses (Ngamlana, 2014).

In the political sphere corruption undermines democracy and good governance by flouting and even undermining formal processes. Corruption in elections and in the legislature reduces accountability and distorts representation in policymaking, while corruption in the judiciary comprises the rule of law; and corruption in public administration results in the inefficient provision of services. It violates a basic principle of republicanism regarding the centrality of civic virtue (Faull & Rose, 2012).

When the Minister of Small Business Development invited Minister Muthambi to attend both the Atlanta Lifestyle Hub Show and the Santa Fe Folk Art Market events “with other role-players to represent the country in these important gatherings seems an extraordinary waste of public money at a time when our Cabinet Minister should be tightening their belts” The Minister then decided to spend R600 000 of public money on the 9 day trip to the US for a luxury goods show (Davis, 2012). This amount of money from public funds should be spent efficiently for important infrastructure that will benefit communities’ development

It is said that 'corruption is the cancer that is eating away at our society'. This statement is true, but the saying is fast running the risk of losing its meaning and seriousness if little effort is applied towards the prevention of corruption. Corruption is one of the critical threats to South Africa's growth and development and an even worse threat to the fight against poverty. The truth of the matter is that not all societal norms are necessarily consistent with good governance. Asian values, for example, are said by some to be significantly contrary to both democracy and the free markets. A common thread that cuts across most cultures and norms is the understanding that corruption refers to an activity that is intentionally conducted for personal gain, at the expense of government (Ngamlana, 2014).

In 2015 the Minister of Home Affairs, Malusi Gigaba, reported the establishment of a unit within Home Affairs which, in collaboration with the SAPS and other law enforcement agencies, arrested eight home affairs officials and three civilians between April and July of 2015. Some Home Affairs officials also had internal disciplinary cases investigated for issuing illegal permits to undocumented persons. The permits were granted to temporary asylum seekers to reside in South Africa for employment and student status (eNCA, 2015).

Even rich countries suffer from the scourge of corruption, for instance the United States was accused of outsourcing contracts more than the federal restriction of 21% without an open bid process. Basically the administrators under the Bush administration chose the company and awarded the money without getting other bids. Another example in another country is where the Italian Prime Minister Silvio Berlusconi and some of his close associates were held on trial for various crimes and corruption cases. Nevertheless Berlusconi himself has not, to date, been found guilty of any charges (Shah, 2011).

Cleaning up corruption in a single department can be ineffective when done in isolation, but anti-corruption measures will work if national environment changes

and concentrates on rooting out corruption. In Malaysia the anti-corruption agency, for example, files cases that are often simply ignored by public prosecutors. Creating a national corruption watchdog is useless if it cannot coordinate with the other ministries and agencies vital to prevent, prosecute, and punish those committing corruption (Klitgaard, 2010).

Abreu (2015) explains that senior officers in government will have to fix many things before the government can uplift the poor, stop corruption and reduce inequality, which are just part of the many problems it faces. Corruption has taken centre stage in the development indicators of 2014. Corruption in both the public and private sectors impeded service delivery, undermined public confidence in the state and the economy and reduced economic growth, competitiveness and investment.

A discussion was provided in this section regarding corruption in the political arena and corrupt deeds by government employees. Public administration literature revealed the utilisation of conventional methods to influence administrative procedures in favouring certain people for financial gain. Incidents of corrupt practices were traced to the pre-1994 period and the government, especially in the early years of P.W. Botha's presidency, sought to pursue a scheme in retaining power in white hands. As a result of this plan, certain individuals in government administration and para-statal had an opportunity to commit corrupt practices. In the post-1994 period corruption continued and senior government officials were involved in incidents of mismanagement and unethical behaviour. Public officials were even found to influence big business for personal gain. The Public Protector, Thuli Madonsela's, investigation confirmed maladministration allegations against the Passenger Rail Agency of South Africa (PRASA) in 2015. The report included 32 different findings relating to PRASA's bidding process in the awarding of contracts for renovating and building new railway stations in South Africa. PRASA's officials' actions included the extension of contracts for additional railway stations, increased prices for services without

following proper tender and procurement processes (Madonsela, 2015). In the following section an explanation will be provided on corruption in the economic sphere.

### 2.2.2 Economic Sphere

The word 'economics' originate from the Greek words *oikos*, meaning 'house' and *nemein* meaning 'manage'. Therefore economics is the science of household management, where the household may vary in size from an individual's home to a country as a whole. Besides the management of the economy there are other issues of economics which seek to describe, explain, analyse and predict a variety of phenomena such as economic growth, unemployment, inflation rate, trade, the prices of different goods and services, money, interest rates and business cycles (Mohr, 2011). In this study the economic sphere refers to the financial state of affairs of the country and has an important implication that directly has an impact on the economic growth, the foreign exchange rate, as well investment by the people and institutions, both nationally and internationally into the economy of the country. Economic factors influence the demands and wants for goods and services and the limited resources affect the growth of new SMEs (Ehlers & Lazenby, 2007; Mohr, 2011).

The prevention of corruption must demand the business sector taking part in the bidding for government tenders to sign an "integrity pact," promising not to pay bribes and not to cheat on costs or to change orders. This pact needs to include principled actions from businesses and their quotations for tenders must be reasonable and at a market-related price. The prices must be the current and real cost and not inflated amounts. The documents for the tender and procurement process must be available for a transparent investigation process. The decisions taken during the investigation can then be shared with contractors and the government for suggesting an improvement which can serve as a benchmark for future solutions (Klitgaard, 2010).



Making matters worse for SMEs is the fact that the South African economy is in a decline, mainly as a result of the global economic challenges and failures like the weakening of the currency, the Rand with regards to exchange rate for the United States Dollar. Expenditure and support have dropped with a lot of firms showing reduction in sales. The owners of SMEs are afraid to invest more money and grow their business to create competition in the business environment to produce the best goods and services. The fear is caused by the regulatory compliance of the laws of the country and administrative costs (Bierman & Van Heerden, 2016). It was found by Price Waterhouse Cooper Forensic investigations that although South Africa has well documented legal and regulatory standards to prevent corruption, the business sectors in South Africa are facing a drastic increase in levels of corruption, largely as a result of a range of business scams and collusive tendering (Van Vuuren, 2014). These corrupt deeds cause a shift to focus on the high crime rate instead of on operational matters. Their fears for the high crime rate is supported by the SAPS crime statistics presented in 2015 (SAPS, 2015) that the incidences of virtually all major categories of crime are on the increase. Most of the crimes that increased are contact crimes such as robbery aggravated, common robberies, business robberies, hijacking and house robberies. The high crime rate leads to other costs which increase expenditure in securing business and upgrading their closed circuit cameras to help with identifying and tracing of offenders. These measures help to save the lives of employees and increase their profits.

Luiz and Stewart (2013) remark that the Sub-Saharan Africa countries (SSA) scored 3.3 out of a maximum possible score of ten, with one being highly corrupt in the 2012 Transparency International's corruption perception index. This shows the region to be amongst the most corrupt worldwide, with the average rank for SSA countries at 112 out of the 176 captured in the survey. Uwimana, the Regional Director for Africa and the Middle East at Transparency International, states that in the 2015 corruption perception index 40 out of 46 countries show a serious corruption problem in the SSA region and South Africa showed no

improvement in decreasing the corruption levels (Maake, 2015). Also to support this view, the 2015 CPI reveals that out of 168 countries South Africa was ranked 61 (Maake, 2015). Luiz and Stewart (2013) support the view that corruption in any transactional space is seen as an increase in business cost, which influences the strategic decision-making of the business establishments. The businesses have to change their approaches and plans to overcome corruption to prevent causing further costs.

Furthermore, corruption affects the MNEs' chances of forecasting their performance in the local and global economic growing market. Chantal Uwimana, the Regional Director at Transparency International for Africa and the Middle East stated that in 2015, Sub-Saharan African countries constituted 40 out of 46 countries with serious corruption problems and South Africa as an economic powerhouse shows no improvement in decreasing the corruption levels (Maake, 2015). The people in South Africa also perceive corruption as very high. This perception of high levels of corruption also affects the SMEs' sustainability in the business environment and they lack bargaining power and the necessary influence to oppose requests for unofficial payments and similar corrupt deals. For big enterprises to stay in business, they often engage in corruption and bribe officials linked to the bureaucratic procedures of the regulatory compliance required to maintain a business (Olawale & Garwe, 2010).

Corruption can cause a drastic decrease in principled and moral behaviour of individuals in the political, economic and social spheres. This is caused by the corrupted deeds to influence transactions for contracts of purchasing goods and services by individuals that satisfy their own financial needs and desires. In society corruption hampers growth and development and leads to moral decay in society.

Corruption in the economic sphere has a destabilising effect on businesses, as some acquire contracts, causing them to flourish while others run bankrupt when

there is a lack of co-operation with corrupt officials. Serfontein and De Waal (2015) allude that various authors such as De Gruchy (2011), De Villiers (2011), Warner (2011) and Faull (2007) state that South Africa has an unsteady market ahead and there are reports of economic greed, major organisational changes, retrenchments and poverty. Environmental degradation and corruption are growing at a worrying rate. Serfontein & De Waal (2015) mentioned that Baqwa the Public Protector for the period 1995 to 2002, experienced corruption in South Africa to be taking place at an alarming rate and it was difficult to determine the scope and extent. The Public Protector in 2015, Thuli Madonsela, uncovered vast corruption in state institutions and parastatals such as PRASA, where management stole large amounts of money. The investigation took three years to finalise and it revealed multiple allegations of corruption, fraud, nepotism and financial mismanagement at PRASA (Smith, 2015).

Corrupt behaviour of businesses in the bread and cement industries formed lobby groups to fix prices of their products. The large companies and businesses in the bread industry fixed prices. This corrupt practice affected competition that deprived the poor people of cheap bread (Van Vuuren, 2014). In the economic sphere the corrupted people and criminals are plundering the marine resources and an explication of corruption in the abalone industry is provided. The abalone industry in South Africa has been reliant on a single commercially exploited species. The abalone fishery is based on a zone system with a total allowable catch distributed among eight zones located in the Western Cape. The history of the fishing sector is complex and regulations of the industry were introduced in 1970 prior to which no limit on the harvest of abalone was in place. In 1983 a whole mass quota system was introduced and the harvest remained relatively stable at around 650t per annum. This was the case until the 1996/1997 season, when a downward adjustment to 550t was made to compensate for over-exploitation. While the abalone fishery is among the smallest in South Africa with respect to yield, it is one of the most lucrative industries (Hauck & Sweijd, 1999).

The high value of abalone, and the easy access to fish it since it lives in the shallow intertidal waters, makes it a prime target for illegal exploitation. The illegal exploitation is done by poaching activities. Poaching is one of the distinct forms of exploitation that impacts negatively on the abalone marine resources. Poaching refers to any activity which contravenes the legislation and regulations outlined in the Marine Living Resources Act of 1998 (South Africa, 1998). The various infringements range from diving in restricted areas to exceeding the daily catch limit by several hundred kilograms by highly organised poaching syndicates. These syndicates in the industry attract the greatest controversy and emphasise the problematic issues involved in regulating marine resources in South Africa. This “informal sector” encompasses the people who exploit the abalone resource as a means of supplying the growing black market trade with abalone. The involvement of syndicates in supporting the high demand for abalone products in the Far East has exacerbated the problem and has resulted in devastating effects at local levels (Hauck & Sweijd, 1999). As explained above, there are vast forms of corruption in the poaching and selling of the abalone, as the monetary gains are excessively high and there are many people involved in this crime for syndicates who encourage it with the money readily available for payment of the illegal stock.

Another example of the extent to which corruption infests the economic sphere is that of the construction industry. A common practice in the South African construction industries development is the control of enormous amounts of money by bureaucrats and this has enabled the employees to manipulate the policies to gather immense personal wealth during the procurement of goods and services. Some people working in the construction industry commit corrupt deeds and take advantage of opportunities that are open or presented to them and the exact forms of corruption will be dependent upon the nature of those opportunities. They appear to be widespread in the tender and bidding phase of the building procurement process. Some opportunities may be exploited through acts of commission, while others arise through omission, although the latter

should be construed as flowing from a deliberate decision to not do something, rather than from neglect or an error (Bowen, Edwards & Cattell, 2012). In many developing countries and in South Africa people who were previously prohibited from participating in the economy of the country tend to supplement their income and make more money in corrupt ways. The employees of these construction companies whose salary was generally low will perform corrupt activities to enrich themselves (Van Niekerk, 2003).

In the construction industry behaving corruptly is motivated in terms of performing the necessary action that is needed to demonstrate compliance with public tender criteria aimed at advancing black economic empowerment. If such compliance involves setting up sham companies, nominating “ghost” personnel, miscounting or wrongly classifying employees, then the justification is simply ‘so be it’. The indirect pressures to engage in corrupt activities, or to exploit opportunities for corruption, emanate from diverse causes (Bowen, Edwards & Cattell, 2012). The construction corporate scandal that was disclosed regarding the building of stadiums for the 2010 Soccer World cup in South Africa failed to get wide publicity in the print and electronic media (Mantzaris, Tsekeris, & Tsekeris , 2014). Millions of people were not aware that the builders of the national stadiums resorted to bribery and other corrupt activities to secure lucrative contracts and other concessions from public officials. Steyn (2015) also reports on the way in which the corruption process unfolded for the building of the stadiums and infrastructure. The corrupt collusion process of the construction conglomerates involved the corporate entities who would pay other sharing contractors the agreed sum once the contract was awarded. In some cases, the payment was not made in the form of cash but was set off against other fee deals.

The 2010 Soccer World Cup opening ceremony was a global event and construction companies and other enterprises were kept busy with organising activities for the event. In the meantime ordinary taxpaying citizens with billions of other soccer lovers worldwide were unaware of the clandestine activities relating to the fixing of prices. The big construction companies created cartels

which greedily and cooperatively colluded in fixing the prices charged for building the World Cup stadiums. Their long-standing and hugely profitable organised co-operation in corruption amongst them started to fall apart because of a failure to keep promises and a breakdown of arrangements between participants when it came to paying 'loser fees' (Mail and Guardian, 2013).

The profits were sufficient to keep the illegal partnerships in operation, even as some companies became increasingly afraid about the corrupt deeds being uncovered. Some construction companies held meetings in 2006 to discuss dividing work related to the arrangement of activities for the 2010 World Cup. These companies held meetings to rig profit margins on the construction of six stadiums (Cohen & Bhuckory, 2014). This initiative was based on the belief that winning bidders might not have had the resources to complete the work allocated to them. Instead of leaving the matter to chance or the choices of tender adjudication, the companies discussed and began dividing up the available work among themselves (Benjamin, 2014 (a)). At least four companies in settlement agreements with the Competition Commission have admitted to collusion and were heavily fined.

In another case where the railway line between Sishen and Saldanha Bay in the Western Cape Province was upgraded, two companies paid a fine for collusive tendering on the Transnet project. One construction company got off lightly by paying a fine of just 0.3% of its 2010 civil sector turnover because the Competition Commission officials hurried to reach a deal at the hearing. The co-accused construction company faced a higher fine because it was a repeat offender in the previous case of building the 2010 World Cup stadium (Benjamin, 2014(b)).

The crisis of poor moral principles and corruption that faces this industry has serious implications for development and will result in a decline of service standards by using sub-standard products for infrastructure and buildings. Corruption damages both government and business on the continent of Africa, and in South Africa in particular. Business people's impression of the levels of

corruption in the country is continuously measured by Transparency International's rating and South Africa always appears within the first 50 positions. Corruption and fraud are endemic in many sectors of society and it is argued that this phenomenon is an enduring situation, even before 1994 when South Africa had a government which the majority of its citizens regarded as being unlawful (Van Niekerk, 2003). Van Vuuren (2014) supports this view that South Africa was challenged with a culture of corruption in the final years of the apartheid regime from the mid 1970's to early 1990's. The public sector officials used the cloak of secrecy to steal vast amounts of money and then stash it abroad.

Pillay and Kluvers (2014) state that the historical developments in South Africa led to the economy displaying three major features, namely a profound and racially skewed distribution of wealth; characteristics of a developing economy with the ubiquitous problems of poverty and an oversupply of unskilled labour, and a narrow economic base. It is in this context that the problem of corruption is important. A further challenge, closely linked to the above, was for South Africa to overcome the vicious cycle of poverty where low savings and investment, low capital accumulation, low levels of productivity and low average income were continuously impacting negatively on the economy. Van Niekerk (2003) reports that as early as in 1995 the Commercial Branch of the SAPS handled 25 260 cases and these included criminal offences involving fraud and theft, as well as transgressions of more than 50 statutory law cases. Fraud can be defined as actions which are intentionally dishonest, and that involves deception with the intent of acquiring forbidden gain. Fraud in particular causes vast losses to business.

The 2002 report of the state-supported Human Rights Commission identified civil service fraud in pension and other social benefits as particularly severe in the Eastern Cape. The Department of Education Director General attempted to reform the education sector within the Eastern Cape by implementing stringent anti-corruption measures to eradicate activities. The Department's funds for the

feeding scheme which was meant for underprivileged children were stolen through corrupt ways for personal gain. In a similar situation within the Higher Education sector in the Eastern Cape, Vice-Chancellor Professor A Moleah of University of Transkei (UNITRA) managed to turn a R50 million credit in the university's accounts in 1994 into a R150 million deficit in 1999. The University Council, led by the noted anti-apartheid and sociologist Fatima Meer objected to Moleah's conduct, but the Education Minister defended Moleah's conduct as clearly competent and his administration had been reliable (Hyslop, 2005).

Mohamedbhai (2015) states that five of the 26 public universities in South Africa had been placed 'under administration' by the Minister of Higher Education as a result of suspected cases of serious financial and other mal-administration in 2011 and 2012. Corruption within the levels of the services rendered in the economic sphere such as electricity and telephone connections, exists at a grand level, in the form of bribes to public officials and politicians for obtaining lucrative contracts, licences for the manufacturing of goods and other favours such as tax concessions, thereby falsifying the decision-making process and resulting in an overall undermining of the policy objectives of the state. The very participants, the government, investors in industry, foreign and domestic, who promise prosperity to the masses break their promises to satisfy their financial greed (Keighley, 2011).

The corruption in the economic sphere increases the prices of goods and services. The businesses providing these services are owned by individuals who emanate from and work within the community. Corruption is committed by the businesses which bid for government tenders to provide goods and services. In order to obtain contracts, businesses pay bribes, cheat on costs and change orders. In addition, the high crime rate leads to other costs which increase expenditure when the business premises are secured with alarms and other security measures to prevent any crime from taking place. The business sector has to remain focused on making money, even though there is competition to



obtain a contract and some may pay corrupt officials. The next paragraph describes corruption in the societal sphere.

### 2.2.3 Societal Sphere

Bruce (2014) alludes that corruption is a manifestation of a 'pre-modern conception' that refuses to distinguish between a public leader and public resources and is tied to interpersonal connections that are rooted in friendship, familial and broader ethnic ties. This implies that corruption occurs in society as a result of the previous structures of the population like their social interaction with one another, and sympathy for their family, relatives and friends. People in society want to prosper and there is competition amongst communities for the most expensive goods and services for their family. On the other hand, the cost of living is increasing and the unemployment rate is high. In society people fail to report and expose corrupt individuals for fear of endangering their lives.

Some provinces, such as Western Cape, Gauteng, Mpumalanga and KwaZulu-Natal have great numbers of corrupt deeds being performed and the lack of the communities' involvement in preventing corruption becomes a cause for concern. The South African Council of Education supports the concern of corruption of public funds allocated for maintaining school buildings, upgrading learning materials and feeding learners, as well as financial mismanagement, theft of goods, corruption in procurement, including ghost educator salaries (Serfontein & De Waal, 2015). Communities can play a role in the prevention of corruption by being the 'eyes' and 'ears' of the police as the citizens' part in the fight against corruption in a coordinated way. Citizens can utilise all the legal means available to them to report corruption to government institutions such as the Auditor General's office, Independent Police investigative Directorate (IPID), and anti-corruption units. These mentioned government institutions' reports on investigations in government departments are paid for by public funds. The communities can also monitor the public services, raise awareness, contribute to the implementation of international and national anti-corruption instruments, and

create networks in South Africa to deal with this monster of corruption (Ngamlana, 2014). There is also another side to being informers and whistle blowers, as the public may find themselves in a precarious situation, because they can be victimised and harassed by those that are reported.

Cochrane (1999) explains that historically it was found that corruption is part of the human condition and if left unchecked, will become endemic when it becomes an identifying mark of a society or its institutions. Where it flourishes, it raises profound questions about the nature and foundation of that society itself. This is society's problem, even if it is in part one inherited from the past. Corruption brings social disintegration and is extremely harmful to any community. It is always underpinned by a "get rich quick" social ethos and leads to widespread moral degeneration, especially in cases involving bribery or fraud. Such corruption is linked with other criminal practices, for example influence peddling, drug trafficking, ghost workers theft, robbery and other serious and petty crimes (Baai, 1999).

Post-apartheid South African society is still to a large extent in transition between the past regime and a democratic dispensation. As a result, South African public servants are confronted by principles and philosophies of the past as well as the introduction of a new value system. There is a possibility that the transition process is facilitating the growth of corruption and poor ethics by public servants (Pillay & Kluvers, 2014). With all the changes in South Africa it was expected that the changes brought about would prevent police corruption as a result of Constitution of the Republic of South Africa, 1996 and pieces of legislation dealing with corruption such as Act 12 of 2004 and the Independent Police Investigative Directorate Act No 1 of 2011.

Mantzaris et al (2014) explain that corruption and ethics have been a major issue for philosophers, from Plato to Confucius and from Aristotle to Pashukanis, the father of Soviet legal theory. There is no known religion or ideology that does not

abide by ethics, not only as a conceptual meaning, but also as practice. To be ethical therefore means to believe in ethics. However, in practice there is no unity of theory and practice and there is little synergy. Research on corruption should be based on a comprehensive understanding of societal forces and dynamics as the root of the phenomenon. In this analytical context, there is a belief that a 'public sociology', which co-relates theory, practice and research, is the key for not only dissecting all or most aspects, dynamics and processes of corruption, but also for the struggles to eliminate it.

The sociological work situation in South Africa after 1994 made employees in the public service aspire to acquire better lifestyles which they felt would increase their wealth to compensate for the injustices done to them during the apartheid era. Often this desire is fulfilled through weak social controls and out-dated laws. Inefficiency in the public service continues, particularly in terms of the inability to deliver services as a result of excessive red tape and strict bureaucracies. Some public service officials possess excessive discretion and the more discretion a person has, the more senior position the public official occupies and the more authority he or she exercises, the greater the opportunity becomes for corrupt practices. The South African public service inherited a system with a severe lack of accountability and poor service delivery standards, including unreliable administrative arrangements like inadequate control. In addition, the previous exclusion of many of the homeland public service agencies from resources and the inferior education and training given to their staff resulted in the unfortunate reality that many public servants were not adequately skilled and experienced to handle their responsibilities (Mavuso & Balia, 1999).

In addition, Mantzaris et al (2014) argue that the change in social structure and the assumed real relationship between the ever-increasing expansion of the black African middle class and corruption appears to be evident. Within this context, the latest finding provided in the May 2013 final report of the internationally respected Unilever Institute of Strategic Marketing at the University of Cape Town

reported that the black middle class is now 4.2 million strong, up from 1.7 million in 2004. It has been called an 'emerging classes by marketers and is regarded as a gain to the growing economy. An analysis of the category of white-collar employees reveals two broad main groups. The first pertains to the managerial, professional and administrative employees, while the second main group is that of clerical workers. In sociological terms, these are two very different categories of employees, as managerial and administrative employees have consistently enjoyed well-above average earnings as opposed to the latter group. It will be incorrect to lump these groups into the same general class or status category in terms of sociological theory.

In the South African context corruption is emanating in all corners of society, which creates a challenge for the poor communities. The people must now pay extra for goods and services for them to be helped by government officials. Various research studies were undertaken and a forensic audit report for eThekweni (Durban) Municipality, commissioned by the provincial Department of Co-operative Governance and Traditional Affairs after the Auditor-General's Report of 2010/2011 and subsequent allegations of widespread maladministration, corruption and fraud at the municipality, was tabled in 2012. Top officials, such as the Municipal Manager, the City Treasurer and the Deputy City Manager responsible for infrastructure, as well as the Head of Housing at the municipality, and his deputy, were implicated in fraud, corruption, and irregular acts. Ten councillors who had companies which conducted business with the municipality and senior officials in the supply chain were also implicated, resulting in irregular expenditure of more than R2 billion in the past three financial years leading to 2014 (Mantzaris et al, 2014). In South Africa the destitute are also extorted, for example the refugee reception offices are the gateway through which asylum seekers and refugees seek legal access and protection in the country. There are high levels of corruption because refugees and asylum seekers to this country are preyed on from the moment they make a decision to flee their birthplace. They have to pay truck drivers transporting them across the borders,

law enforcement officials at the border posts and are denied access to offices unless they pay bribes at the Home Affairs offices in Marabastad, Tshwane (Thamn, 2015).

In addition, 161 employees at all levels within the eThekweni (Durban) municipality were involved in doing business with the same municipality. Also a number of staff in the Human Resources Department were instrumental in the irregular appointment of employees, while suitably qualified and experienced employees were overlooked for appointments and promotions. It was discovered that at least 14 metro officers owning taxis flouted the system and accrued traffic fines ranging from R10 000, R5,000 to R117,000, and at the same time there was substance to allegations that 30 metro police officers purchased their driving licences (Mantzaris et al, 2014).

Corruption-related matters are the leading stories in most media in South Africa almost every day. Articles relating to claims and suggestions of corruption, involving the leadership in communities, as well as reports on the formal investigation and prosecution of individuals on corruption-related offences, are common in the media. Usually, more attention is paid to the role of corruption in public life involving, for example, public officials and public procurement processes (Keightley, 2011).

Serfontein and De Waal (2015) indicate that corrupt practices among state officials, employees of municipalities, police officers and prominent sport players are regularly reported by Thuli Madonsela, the current Public Protector. She refers to South Africa as having reached a breaking point concerning the corruption epidemic in both the public and private sectors. Corruption is also endemic in public schools and includes allegations of principals misusing school money or property, pillaging from the national feeding scheme which was meant for poor learners, favouritism concerning staff appointments and procurement

practices, as well as selling test and examination papers (Serfontein & De Waal, 2015).

Although many government officials and employees are arrested for theft and corruption, allegations of corruption still exist, for example in the Home Affairs Department. Minister Malusi Gigaba had implemented drastic measures to tighten the noose around corrupt Home Affairs officials. He reported that between April and July 2015, investigations had led to the arrest of eight officials and three civilians for corruption (eNCA, 2015).

Most African States, after receiving independence from the colonial powers, began with their own administrative laws to govern. For the first time these states tasted independence, including control of resources and administration. Political parties started to grow everywhere, each with its own political and social system and ideas of governing their individual countries in the post colonialism dispensation. The political parties needed funds to advance their ideologies and it seems most money was siphoned from government funds by corrupt activities at that time. In this way the political leaders stayed in power for many years (Ngamlana, 2014).

The conduct of the individuals is guided by specific social institutions, as well as by the general culture. Implicit values and norms are derived from those with whom one has frequent face-to-face contact and who specify “how things are done”. Some even emulate the behaviour of their predecessors. The introduction of explicit anti-corruption strategies will have little effect if the implicit values and norms sustaining corruption with powerful individuals colluding behind the scenes are still entrenched in the system. In South Africa’s public sector the practices of the past have become embedded in the culture within organisations, making it difficult to implement anti-corruption measures. This point was reinforced by Ter Bogt (2008) in his research examining accounting for change in the Dutch local government system. He argues that routines are “rooted” in the organisation’s

values and traditions, and that the role of individuals and subgroups in fostering or inhibiting change should not be underestimated. Thus, it would be expected that the changes designed to curb corruption as a result of the new South African Constitution and anti-corruption laws would be resisted by those in the public service who had gained from the established organisational culture. Furthermore, managers have shown they are likely to act proactively to counter externally imposed requirements (Pillay, 2014).

Faull (2010) found in his research that in petty offences and in at least half of the serious bribery stories, the participants in his study reported initiating the exchange themselves. While blame must be apportioned where it is due, it should be recognised that civilians are only likely to offer bribes where there is little risk of punishment and a fair degree of potential for success. Such an environment can only exist if the police are known to be open to offers.

The nature of corruption in the political, governmental economic and societal spheres in South Africa was briefly described. Corruption not only occurs in under-developed countries, but cases of bribery and other forms of corruption are known to occur in western countries on a large scale. Political and governmental corruption was explained and it was established that some people in these positions abuse the powers entrusted to them. These people manipulate contracts to favour themselves, their family and friends. Some examples of corruption in parastatals and government departments where people in charge influenced contracts by corrupt means were also provided. The economic sphere mentioned in this study refers to the corruption committed by businesses.

In some cases the awarding of contracts for the building of stadiums, roads, bridges, railway lines and power stations were done by corrupt means. Some of the businesses also fixed prices for cement and basic necessities such as bread. An explanation of corruption within the societal sphere was provided. Corruption also includes people who bribe police officials, government department officials

or business managers so that they can survive or increase their wealth in corrupt ways. In the following section a description is given of the “rotten apples” and “rotten orchards” terms used by many managers when their employees are involved in corruption.

### 2.3 Rotten apples, rotten barrels and rotten orchards

The majority of commissions appointed to investigate corruption in various police departments in the world reported the main problem as a failure of leadership and supervisors to prevent corruption. Investigators of corruption cases argue that often senior officers fail to take responsibility for the corrupt behaviour of police officials, even though they know about it. The phrase “wilful ignorance” appeared several times, coupled with the practice of blaming a few bad apples for the police officials committing corruption (Holmes, 2014). Corruption at individual levels escalates to organisational levels and deviance occurs on such a large scale that “we can no longer talk” of bad apples, but of “rotten orchards” (Punch, 2009). The severity of the consequences of such large scale corruption, combined with the failure to deal with it, ultimately reaches the level of system failure. Punch (2009) examines a number of cases of police corruption and the diverse forms it takes in several countries and focuses on the pathway that officers take. Most recommendations made suggest a reform of the police organisations and accountability is institutionalised as a strategy to prevent corruption.

In the SAPS the senior management still uses the term “rotten police officials” as evident in the explanation given by Neville Malila, the previous Gauteng Spokesperson for the SAPS. Mention was made that officers from various police stations and units have been dismissed, having been found guilty of misconduct after internal disciplinary processes. He further mentioned that this is an indication that the SAPS is serious about getting rid of “rotten police officials” (Maphumulo, 2014). The senior leader has to accept responsibility for organisational behaviour and not make excuses that endemic corruption is to be blamed on a few “bad apples” only, but it follows that all supervising officers,



especially those in the frontline, must be held accountable for the misbehaviour of their subordinates (Holmes, 2014).

If the focus of attention is moved from the societal to the institutional and operational level, a central theme is that police corruption is not typically individual but collective, is largely fostered by the nature of police work, police culture and the police organisation; and is a constantly recurring feature of policing. But if corruption is an inherent and near universal facet of policing, then it cannot simply be the product of some “bad apples”. This much used term, often employed defensively following scandals, suggests that the problem is one of human failure confined to a handful of reprehensible and unrepresentative deviants who, if removed, will no longer contaminate the otherwise healthy majority. But in cases of serious, widespread and prolonged corruption the more appropriate metaphor should be “bad barrels” and not “bad orchards” (Punch, 2009). It creates suspicion when the good apples fail to report the bad apples that are causing the entire police service to rot.

An explanation must be given for the motives of the bad apple attacking a good apple, complaining of contamination; as well as the duty of the person inspecting the fruit who subsequently neglects to apply the insecticide. Some logical explanation must be given why particular orchards continually produce rotten fruit, what contaminated the soil and whether healthy fruit can ever grow there. Finally, the key question is why the people in charge of the orchard confine themselves to policing the apples while ignoring or concealing the rotten ones, and how can they be held accountable (Punch, 2009). Basdeo (2010) concedes that corruption is categorised on the basis of three types. The first type is the “rotten apples” and this term is used to refer to a few corrupt officers who use their positions for personal gain. When these corrupt police officials’ band together, they form a “rotten pocket”. The actions of a small number of corrupt police officials tarnish the reputation of the entire organisation.

The second type is pervasive unorganised corruption. The explanation afforded is that such a department consists of the majority of police officials who are corrupt but who have little interaction with one another, although many police officials who are involved in corrupt activities cooperate with one another for personal gain. The third type is pervasive organised corruption. This describes a police department in which almost all police officials are involved in systemic and organised corruption.

The Minister of Police, at the launch of Operation Duty Calls in 2011, stated that the police should reaffirm the commitment to reduce crime in every corner of our country. It is their duty to take action against criminals who harass, steal from and kill the poor as well as the rich. Firstly, the battle against crime cannot be separated from the war on want. Secondly, the deviant activities of a few “rotten apples” among the police should not be allowed to tempt the rest to subtract from the human rights of society, the majority of whom are responsible, law abiding citizens. The Minister suggested that the police have a leading role to play in reducing crime, while recognising that crime is caused by broader societal challenges. There is also a frank recognition that the SAPS have among its members many who engage in corruption and other offences. Recognition of criminality and lack of professionalism in the SAPS is a positive development (Faull & Rose, 2012).

The commonly held view is that corruption in a police organisation can be attributed to a few police officials and they are referred to as “rotten apples”, and these few infest the whole organisation (Delattre, 2002). The “rotten apple” approach view established that corruption in a police organisation can be blamed on a few “rotten apples”, which taint the image of the whole organisation (Delattre, 2002). Current research however, indicates otherwise that managers and leaders in the police department has to take accountability for the corruption and refrain from blaming the “rotten apples”. In police departments the majority of police officials are afraid due to lack of accountability to take action against the few

corrupt police officials (Crank & Caldero, 2010; Punch, 2009). The following section will be the summary of the chapter.

## 2.4 Summary

In society there are cases against politicians, governmental officials, and individuals that live and work in the community, as well as against owners and directors of small and big business enterprises. Corruption, whether in the public or private sector, sometimes appears not to be committed in a vacuum. Eventually it seems as if corruption occurring within one sector receives help from people from different spheres, meaning that many acts of corruption are interlinked.

The chapter entailed a discussion on the nature and extent of corruption in the political, economic and governmental spheres. The views of different authors were discussed. This chapter depicted an explanation of terms such as “rotten apples” and “rotten orchards” as used in relation with the SAPS. In the next chapter the legislative framework on corruption within the SAPS will be discussed.

## **CHAPTER THREE**

### **3. THE LEGISLATIVE FRAMEWORK ON CORRUPTION WITHIN THE SAPS**

#### **3.1. Introduction**

A strong legislative framework focusing on an effective anti-corruption strategy will serve as a deterrent to the SAPS police officials who inculcate intentions to commit corruption. The appropriate framework will support the investigations by state institutions of corrupt police officials. The framework should empower the investigative unit with powers to co-ordinate all structures that investigate corrupt police officials. The system will reflect a weakness, should corrupt activities be allowed to continue, creating an opportunity for further corruption to occur. Currently, the SAPS is the only government department investigating its own officials for corruption.

In this chapter the applicable legislation, policy and regulations are presented and specific sections of these are explained and discussed. The review of these legislation, policies and regulations will depict the background to the functions of the police, as well as the authority and powers vested in police officials to carry out their duties. The relevant laws and policies, namely the Constitution of the Republic of South Africa of 1996, the South African Police Service Act, 1995 (referred to henceforth as Act 68 of 1995), the Protected Disclosure Act of 2000 (referred to henceforth as Act 26 of 2000), the Prevention and Combatting of Corrupt Activities Act, 2004, Independent Police Investigative Directorate, 2011 (hereafter referred to as Act 1 of 2011), the Public Finance Management Act 1 of 1999 as amended by the Public Finance Management Amendment Act, 29 of 1999 (referred to henceforth as Act 29 of 1999), and the South African Police Code of Conduct, the SAPS Corruption and Fraud Prevention Strategy, and the Risk Management Strategy will be discussed. The national framework will first be sketched and thereafter the international framework will be presented.

### 3.2. Constitution of the Republic of South Africa, 1996

The cornerstone of the law is the Constitution and it is the supreme law of South Africa. This is confirmed in the preamble, section 1 and 2 of the Constitution (Humby, Kotze, Du Plessis, Naude, Freedman, Coetzee, Bellengere, Karels, Keevy & Letsaolo, 2015). The Constitution is the Supreme Law of the country, which implies that it is the most important law and it reigns over all other laws and policies. Any other law or policy that is inconsistent with the Constitution becomes invalid and the courts have been granted the power to rule on the constitutionality of all laws and decision by courts, if they appear to be affecting the rights of an individual (Joubert, 2015). In addition, Currie and De Waal (2016) state that the Constitutional supremacy decrees that the rules and the principles of the Constitution have priority over all departments of the state and other rules made by the government, the Legislation and the Courts. As the highest law of the land, the Constitution provides the police and all other public sector institutions with the necessary powers and authority to conduct their duties. In terms of Section 205 of the Constitution, the objectives of the SAPS are to prevent, combat and investigate crime. Furthermore, the police have to maintain public order, protect and secure the inhabitants of the Republic and their property. In effect, these are the guiding principles and basis from which the SAPS has to render its services in an accountable and responsible manner to the communities. The Constitution stipulates that the government must enact National Legislation to establish more and effective powers for the Service (South Africa, 1996).

The people living in South Africa have a right to be policed with respect for their inherent dignity. In terms of Section 9 and Section 14 of the Constitution in the Bill of Rights section it is clearly stipulated that everyone is equal before the law, has the right to equal protection and has the right to privacy, which includes the right not to have their possessions seized. Basically this means that the people of South Africa have a right to be policed free from corruption and that the Bill of Rights must be respected by police officials in carrying out their functions (South Africa, 1996). All administrators in organs of the state, in every sphere of government and

in public enterprises, including police officials, must ensure that their functions and duties are performed according to a high standard of professional ethics, by utilising state resources in an efficient, economic and effective manner. These officials must ensure that their functions are executed in terms of Section 216 which is known as the Treasury Control of the Constitution. This implies that the legislation established by National Treasury must be complied with by all officials working in government departments to prevent corruption. The decisions must adhere to the generally recognised accounting practice, uniform expenditure classification and according to uniform treasury norms and standards (South Africa, 1996).

### 3.3 The South African Police Service Act, 1995

The Constitution, as mentioned in paragraph 3.2, established the basis for the strengthening of Act 68 of 1995 and this became the prudent principles for police officials to perform their duties. As expressed in Section 13 of Act 68 of 1995, police officials shall perform their duties in a manner that is reasonable in the circumstances and their power is subjected to the rights of every person. Police officials have vast powers to search and arrest offenders (South Africa, 1995). Section 40 of Act 68 of 1995 stipulates that disciplinary proceedings must be instituted against police officials on account of misconduct in the prescribed manner. This misconduct is both for the normal disciplinary cases when members are charged for offences according to SAPS regulations for criminal offences and for corruption cases amongst other crimes (South Africa, 1995). In terms of Section 43 of Act 68 of 1995, a police official who gets detained or serves a term of imprisonment shall be deemed to be suspended from the service for the period during which the police official is so detained or is serving such term of imprisonment (South Africa, 1995).

It is evident that police officials who are arrested and are convicted for corruption will be charged departmentally and if at the hearing the official is found guilty, will be dismissed from the SAPS. It also indicates that whenever police officials are incarcerated in correctional facilities, such officials will be dismissed from the service. In these sections of Act 68 of 1995 it is evident that corruption and other criminal offences will be dealt with in a harsh manner. Act 68 of 1995 was passed to enable the government to properly establish the police service. The said Act provides the basis for properly organising the SAPS and regulates the powers afforded to police officials. The same Act also confers the necessary powers to police officials in order to perform their functions and duties properly. In terms of Section 24 of Act 68 of 1995, the Code of Conduct for police officials were regulated and given the power to issue the Code of Conduct and were thus gazetted on 19 September 1997 (South Africa, 1997).

The SAPS Amendment Act 57 of 2008 (hereafter referred to as the amendment Act 2008) was passed and amended Act 68 of 1995. The amendment Act, 2008 enhances the capacity of the SAPS to prevent, combat and investigate national priority offences by establishing the DPCI. The Amendment Act, 2008 also made provisions for the DPCI to investigate the national priority offences through cooperation with other government departments. The DPCI is a statutory body responsible for the prevention, combatting and investigation of national priority offences, for instance serious organised crime, serious commercial crime and serious corruption cases as stated in section 17 B(a) of the amendment Act, 2008 (South Africa, 2008). It appears from this section that DPCI will investigate only serious corruption leaving a gap for which unit will choose to investigate police corruption.

Furthermore Act 68 of 1995 provides the SAPS Management the powers to issue orders and instructions, making certain activities compulsory. There is no evidence

that these orders are implemented effectively. The powers granted in terms of Act 68 of 1995 opened up ways by which police officials use their discretions (Joubert, 2015). This power to act discretionary opens ways for corruption, for example a police official on patrol duty will decide whether he will arrest offenders or release them. Police officials find it easier to commit corruption if there are no victims to give evidence in a court of law. These “victims” of corruption are usually afraid to give evidence in a court of law (De Graaf, 2007). The vast power given to police officers to search, arrest, and release detainees need to be controlled and properly monitored, thereby closing the gap reflected in Act 68 of 1995 for allowing lesser discretionary powers for certain functions of police officials.

#### 3.4 Protected Disclosure Act, 2000

The Protected Disclosure Act 26 of 2000 originates from the Bill of Rights in the Constitution, and it makes provision for procedures in terms of which employees in both the public and private sector disclosing information of unlawful and corrupt conduct by their employers or fellow employees are protected from victimization by corrupt police officials. The employer is obligated to provide for the protection of employees who make a disclosure of information, however it is inadequate and difficult to use in the police service against corrupt police officials. Act, 26 of 2000 although assented to in 2000, is hardly ever utilised to protect the “whistle blowers” in the police (South Africa, 2000).

The transition to the democratisation of the RSA has been characterised by high levels of crime, including widespread corruption. The Act, 26 of 2000 encourages honest employees to raise concerns and report wrongdoing within the workplace without fear of their colleagues. The fear of colleagues is often far greater than the protection that will be given to honest employees. The employees are also afraid that sometimes senior ranking officials are also involved in the corruption and therefore they have hardly anyone to trust. Even in a court of law the copies of the docket has to be provided to the accused for the preparation of the trial and in this



way the names of witnesses are compromised. Naidoo (2013) also agrees that whistle blowers are unwilling and reluctant to make disclosures because of fear of victimisation and harassment by their colleagues. This often happens, regardless of the promises made by employers due to recent amendments which clearly state that confidentiality must be maintained and the identity of the person to whom disclosure is made as factors to be taken into account by would be whistle blowers. However, persistent concerns about the potentially harmful consequences of disclosing information about corruption would appear to be an influential indicator of the reporting behaviour of public servants. Police officials are afraid to report and expose colleagues for the commission of crimes. The SAPS policies, regulations, and standing orders create reporting mechanisms for members who witness crime, irregular activities and corruption and who wish to remain anonymous. Act 26 of 2000 was enacted to ensure that protection is given to witnesses of crime and corruption by the government through the CJS. On the contrary, there is a lack of protection for the reporter of these corrupt police officials, because of the fact that corrupt officials often receive the personal information of the witness.

### 3.5 Prevention and Combating of Corrupt Activities Act, 2004

The Prevention and Combating of Corrupt Activities, Act 12 of 2004, brought about great changes to the meaning of the term corruption and corrupt activities. With all other previous laws that dealt with charges of corruption, Act 12 of 2004 strengthened and provides clear direction for enforcing the SAP Code of Conduct and the SAPS Corruption and Fraud Prevention Strategy.

Act 12 of 2004 brought about a change to police corruption charges and provides for the offence of corruption and offences relating to corrupt activities. Previously police officials were charged for common law offences of fraud, extortion, and theft, murder, armed robbery, rape, assault and reckless and negligent driving whenever they used their power for personal gain. In Act 12 of 2004 corruption and

gratification are properly defined and police officials can be charged for these offences if they abuse their power for personal, monetary and other valuable gains (South Africa, 2004 (a)).

In addition Act 12 of 2004 makes a clean break with the past, replacing the Prevention of Corruption Act No 94 of 1992. In Act 12 of 2004 the term corruption was specifically stated and defined, which adds to its strength. According to Act 12 of 2004, corruption occurs when two or more accomplices make an unlawful agreement in exchange for payment in respect of a favourable treatment in the discharge of entrusted powers of state institution employees (South Africa, 2004 (a)) For the first time legislation provides the government with established anti-corruption agencies and the courts with powers to deal sternly with corruption. The strength of this legislation is as follows:

- A list of codified corruption offences related to specific persons. This implies that certain categories of persons can be brought before a court for corruption under a specific list and code in terms of the charge;
- It reinstates the common-law crime of bribery. Corruption is no longer only the domain of public sector officials, but is recognised as emanating from within the private sector as well;
- A list of codified corruption offences related to specific matters, including witness and evidential material depending on the seriousness of the cases. The witnesses would have to be treated accordingly and if protection is needed they must be placed under protection;
- Certain designated officials have a duty to report corruption or face stiff penalties. People in certain positions and work have an obligation to report corruption and if they avoid to do so they can be charged for that failure;
- The investigation and seizure of unexplained wealth. Individuals in society that accumulate wealth and are unable to prove that they have worked for that money; and if the accumulation was by other means than inheritance, an

explanation is needed. If an unreasonable explanation is given the wealth will be seized; and,

- Act No 12 of 2004 provides a detailed definition of corruption and consists of a number of clauses and sub-clauses, making the understanding of corrupt acts and corruption easier (Newham & Faull, 2011). Basdeo (2010) indicates that strict penalties such as life imprisonment for individuals found guilty of corrupt offences should be meted out by the courts.

The weaknesses are caused by an administrative process that would create many challenges for the arrest and prosecution of a corrupt official. For instance, there has to be evidence presented to a court of law which has to be beyond all reasonable doubt, and there has to be sufficient documentary proof that corruption has been committed. After the passing of this legislation the crimes committed by police officials in which they enrich themselves for personal gain means the police officers, if arrested and charged, could now be convicted and sentenced for corruption or commission of corrupt activities if they abuse their powers as police officials. The objectives of the Prevention of Corrupt Activities Act 12 of 2004 are to prevent and combat corrupt activities that seek to undermine the rights, democratic values, ethical values and rule of law enshrined in the Constitution, for instance a police official should be sentenced to life imprisonment if the amount of money obtained by corrupt ways is extremely high. The quantified currency value of the corrupt activity should determine the sentencing of the guilty individual.

### 3.6 Independent Police Investigative Directorate Act, 2011

The Independent Police Investigative Directorate Act No 1 of 2011 came into operation on 1 April 2012 and it led to the replacement of the Independent Complaint's Directorate (hereafter referred to as ICD) (South Africa, 2012). The ICD had to function according to Chapter 10, Section 50 (South Africa, 1995) of Act 68 of 1995. With the amendment to Act 68 of 1995 the IPID replaced the ICD and it has more powers. This is as a result of the IPID being an independent body

promulgated according to Section 208 of the Constitution. The IPID, with improved powers in terms of Section 28(2) of Act 1 of 2011, is tasked to investigate police officials allegedly committing corrupt offences (Joubert, 2015).

The IPID has seven objects to improve their investigative powers regarding offences committed by police officials. The two most relevant to the investigation of corruption are firstly ensuring independent oversight of the SAPS and the Municipal Police Service. Secondly, it aims to provide independent and impartial investigations of identified criminal offences alleged to have been committed by members of the SAPS and the Municipal Police Service (South Africa, 2012). Therefore, in terms of Section 28 of Act 1 of 2011, the IPID is empowered to investigate corruption matters within the police initiated by the Executive Director of this Unit. This investigation will be carried out after a community member complains about certain police officials and this action is reactive in nature (South Africa, 2012).

As stated above, prior to 2012 the IPID was known as the ICD. The IPID inherited a department that had vast shortages of resources and the most important was a lack of investigators. Currently the IPID investigates deaths in police custody and deaths as a result of police action, as well as any complaint of discharging an official firearm by a police officer. They also investigate rape cases committed by police officials, whether it happened on or off duty. Corruption investigation is done when it is initiated by the Executive Director of the IPID after the receipt of a complaint by a member of the public of corruption (South Africa, 2012).

The lack of trained investigators results in low success rates which make the IPID seem ineffective, as they become dependent on the police for trained and professional investigators. In most instances cases cannot be proved without public cooperation. The legislation created by the Goldstein commission recommendation included the provision of permitting evidence to be given in secret. After witnesses testified in private and confidential, some were killed who

gave evidence to the commission (Perez, 2010). According to the IPID Annual report, the target for the 2015 to 2016 financial year investigation of corruption cases that are decision ready finalised were 110 (IPID Annual Performance Plan, 2015-2016).

On 16 May 2011 the IPID law was enacted to strengthen the investigative powers of the unit, but with the lack of resources to investigate the police officials, there will be little improvement in the investigations and cases to court (Perez, 2010). According to the IPID Annual report, there are 414 investigators who deal with more than 4937 cases as their target for investigation of various offences against the police, including corruption. The IPID will be incapable of overcoming the challenges it faces and it will be up to the government to strengthen the corruption investigation unit of the IPID for it to really decrease and be a deterrent to corruption within the police.

### 3.7 Public Finance Management Act, 1999

The PFMA requires public institutions to ensure and maintain proper financial management and effective internal control measures to be established by management of public institutions. Serfontein and De Waal (2015) agree with the views that the PFMA aims at acquiring accountability, transparency and sound financial management at institutions. Therefore the management of SAPS as an organ of the state must execute their duties in a responsible manner. It requires the officials in the SAPS to take effective and appropriate steps to prevent any unauthorised, irregular, fruitless and wasteful expenditure (South Africa, (s: 45):1999). Police officials controlling public funds must comply with the PFMA and abusing these funds can result in departmental charges taken. These charges will be enforced in conjunction with the Code of Conduct of the SAPS, implying that failure to comply with this Act will result in police officials being charged departmentally in terms of SAPS regulations and the Code of Conduct. The police

officials must also be responsible for proper controlling and the utilisation, including safeguarding of the assets and the management of liabilities. When police officials carry out their duties and functions and abide by the above-mentioned section, corruption and corrupt activities can be prevented.

If a police official in charge of finances permits an unauthorised expenditure, that action or failure to act can lead to disciplinary steps. Managers and Section Heads in the SAPS hardly adhere to these Sections of the PFMA and there is lack of responsibility and accountability to comply in the procurement process of the supply chain environment for goods and services. Suppliers are usually favoured for the supply of good and services to government departments. The problems are caused by the processes to acquire and control the assets and to trace the perpetrators who conduct themselves unlawfully, unless someone comes forward with information of corruption. To prevent irregularities and corruption, resource committees are established to approve the expenditure. These resource committees can be manipulated to favour a certain supplier a decision which can occur without being detected (South Africa, 1999).

To give effect to the various provisions of the Constitution, and in introducing and maintaining uniform norms and standards, the PFMA of 1999 took effect on 1 April 2000. The PFMA reinforces the Constitution, by prescribing that accounting officers of government departments must ensure that their departments have and maintain appropriate procurement and provisioning systems which are fair, equitable, transparent, competitive and cost-effective. Through the use of the word “must”, this responsibility is obligatory and not intended to be optional or discretionary. Van Vuuren (2014) supports the view that if there is any irregular expenditure in the public service it amounts to serious transgression of the law, in particular the PFMA and the Treasury Regulations. This framework took effect on 5 December 2003 and constitutes the origin of the concept of Supply Chain Management (SCM) in the South African statute and consequently the public sector.

These regulations empower departments to procure goods and services as part of the broader devolution of powers to accounting officers of government departments. Accounting officers ultimately accept responsibility and accountability for all expenditures incurred in their departments. The initiative to introduce the Framework for SCM into the public sector is but one of the far-reaching reforms to rid the government procurement processes of inefficiency and wastage that had happened. Section 38 of the PFMA also stipulates that Internal Auditors must be established in the SAPS as well as in other government departments. The Internal Auditors provide assurance on compliance to policies and procedures, after auditing financial books and other registers involving the use of state funds. Advice and guidance to management should be given where non-compliance to policies and procedures are detected (South Africa, 1999). A phased approach towards improving the quality of financial management in the public sector is assumed. Accounting officers had to get the basics right and subsequently focus on introducing efficiency and effectiveness of programmes and best practices in financial management of institutions. Clearly, achievement of these aims pose significant challenges for public sector managers and organisations and in particular affects the way of doing things in the future.

In addition, the work of Internal Auditors must be performed independently from SAPS officials and if they notice corrupt activities being performed, they should advise management that there are irregularities and a suspicion of an offence being committed in the department. The management has to take relevant steps to investigate the allegations further to uncover the corruption. The SAPS finds it difficult to implement Sections 38 and 45 of this Act and it is a challenge to apprehend the offenders who contravene the mentioned sections of the PFMA. The PFMA should be linked directly to the Act 68 of 1995 and the SAPS Code of Conduct, making it easier to formulate a criminal charge when non-compliance of the PFMA is discovered.

### 3.8 Public Audit Act, 2004

The Auditor-General is an independent and nonpartisan institution established by the Constitution, to provide an objective and a quality audit in the management of resources, thereby enhancing good governance in the public sector and adding value to services. In terms of Section 188 of the Constitution that gives effect to Act 25 of 2004, the Auditor-General must audit and report on the accounts, financial statements and financial management of all state departments (South Africa, 1996). These views are supported by Chapter 10 of the Constitution which provides the basic values and principles that govern public administration in every sphere of government, organs of state, and public enterprises (Madonsela, 2010). The intention of the audit is to obtain reasonable assurance that fair representation is achieved in the annual financial statements of departments in all material aspects.

The audit report should reflect such opinions and statements as may be required by the applicable legislation of the department, reflecting the current situation, and compliance level with regard to the applicable legislation relating to financial matters. It has to include the financial management and other related issues as well as the performance levels, including the economical, efficient and effective procurement and utilisation of resources (South Africa, 2004(b)). Act 25 of 2004 also provides for penalties for non-compliance of the Auditor General's findings and requests for rectification of financial matters in the state departments and institutions. Moreover, officials furnishing false or misleading information when complying with a request of the Auditor General may be found guilty of an offence (South Africa, 2004(b)). In establishing the Auditor General's Office the government ensured more sophisticated measures for the prevention of corruption by officials employed in state institutions.

The Public Audit Act 25 of 2004 requires that auditors perform an audit of all financial statements, registers, and books including accounts of government



departments' legislation and current affairs. The Auditor General has to check the performance of the organisation against predetermined targets and whether they have been achieved. They also finely comb through documents regarding procurement of goods and services to ensure that there is no malpractice. Finally, persons in charge of government departments who fail to comply with the recommendations of the Auditor General and who provide false information can be charged and found guilty of an offence in terms of Act 25 of 2004 and the regulation. The regulation makes it difficult to apply as there are many loopholes that senior managers use to get away with corruption.

### 3.9 The South African Police Code of Conduct

The SAPS Code of Conduct was introduced on 19 September 1997. Every serving police official had read and signed the Code of Conduct. The signed copies were kept in members' personal files. New recruits taking the oath of office has to read and understand the Code of Conduct and acknowledge its content by signing the Code. The Code of Conduct is divided into three categories. The first category depicts the vision of the police, the second category is the mission statement of the police and thirdly the integrity declaration which is phrased and expressed for adherence as a police official in their official and private capacity (South Africa, 1997). The Code of Conduct requires police officials to commit themselves to create a safe and secure environment for all the people in South Africa. When signing the Code of Conduct police officials pledge to uphold the Constitution and the Law by protecting the fundamental rights of every person and exercise the powers conferred to them in a responsible and controlled manner (Joubert, 2015).

In the vision statement the police officer commits to the creation of a safe and secure environment for all the people of South Africa. In the mission statement the police officer commits his loyalty to preventing and investigating crime. In the integrity statement the police officer needs to among others be impartial, courteous, honest, and respectful and behave in an accountable manner. They have to work actively towards preventing any form of corruption and to bring the perpetrators thereof to justice (SAPS Code of Conduct, 1997). Police officials have

to abide by the Code of Conduct at all times. When the Code of Conduct is transgressed the police official will be dealt with in terms of the disciplinary procedures. The Code of Conduct is a guideline for the police officials to behave according to a prescribed standard which is ethically correct and with high integrity values.

If and when a police official commits a criminal offence and it is associated with any form of corruption, theft, robbery and fraud amongst other offences, that police official will be charged departmentally in terms of the SAPS Disciplinary Regulation 20 (z), implying that a common law or statutory offence has been committed. An additional departmental charge will be added in terms of Regulation 20 (q). A charge for failing to adhere to the Code of Conduct will be added (SAPS, 2016(d)). The above-mentioned offences in terms of the SAPS Regulations are regarded as serious misconduct. When a police official is tried for such an offence and found guilty by the Departmental Tribunal, the official will be dismissed from the SAPS with a dishonourable discharge.

The Code of Conduct for officials employed in the SAPS is the first phase in the prevention of corruption. The corruption and fraud prevention plan was developed in the 2007 to 2008 financial year. Although police officials are continuously reminded of the Code of Conduct, and the new recruits are taught from the induction phase at the colleges, police officials still perform illegal and unlawful acts, contrary to the Code of Conduct. It appears as if police officials consider breaking the Code of Conduct as having no detrimental effect on their careers. The SAPS management has already started in 2011/2012 to develop the Integrity Management Framework to support professionalism. This document discusses the development of a culture in the SAPS that is professional and does not tolerate corruption and criminality. In pursuit of this new culture, the anti-corruption strategies in the SAPS is a process to establish an effective Ethics and integrity

Management capacity within the SAPS and it is hoped that these activities will assist the Code of Conduct so that members will be ethically correct in their decisions (Faull & Rose, 2012).

Dantzker (1997) supports the view that an ethical culture should be created through the Code of Conduct. He explains that the code should cover a number of goals and aims of the organisation and the major ethical issues can be grouped into themes such as fairness, control, courtesy, support, honesty, working independently and performing tasks responsibly. Each of these qualities is essential in creating a just system of law enforcement, and each is challenged by temptation and opportunity on a daily basis in a police officer's interaction with the public and with fellow police officers in the performance of his or her duty. The SAPS Code of Conduct is in line with the explanation by Faull and Rose (2012) and Dantzker (1997) that the Code of Conduct requires police officials to accept the values and principles and perform their duties according to pre-set norms and rules. The Code of Conduct is meant to be the most important document for the police official. It should create awareness about anti-corruption measures and be used effectively by management in disciplinary cases when a police official fails to comply.

### 3.10 SAPS Corruption and Fraud Prevention Strategy

In addition to the Code of Conduct, the SAPS drafted the Service Integrity Framework (SIF) in order to proactively prevent corruption. This document was enhanced and developed into other measures like the Corruptions and Fraud Prevention Plan. This was later on changed to be the Anti-Corruption Strategy presented in 2011 as the refined draft plan to deal with corruption in the SAPS (Rose, 2011). Bruce (2008) indicates that the fraud and corruption prevention strategy is the new showpiece of the SAPS anti-corruption effort. This strategy has elements makes provision for different principles set out for the various levels of

the SAPS which may impact on the effectiveness of the anti-corruption efforts. The Corruption and Fraud Prevention Strategy is intended to eradicate cases of corruption and fraud committed by employees in the SAPS. The Strategy is based on a four-pillar approach which includes all aspects relating to the causes and effects of the involvement of officials in corruption and fraud.

In order to understand the levels of corruption in the SAPS, it is important to examine the history and transformation and the present working environment within which it operates. Prior to 1994 the South African Police was inadequately resourced and was unable to provide services to the disadvantaged communities equally. The power of the SAP was centralised and was secretive. During the transition in South Africa after 1994, certain agreements were reached to guarantee public servants their jobs. With a mass recruitment drive in the new police service and with a larger number of police officials they received little professional police training. Also the ten states in South Africa namely Transkei, Bophuthatswana, Venda, Ciskei (TBVC), Gazankulu, Kangwane, Kwandebele, Kwazulu, Lebowa and Qwaqwa consisting of 28791 police officials and all were amalgamated into a new national police service.

In some of the above mentioned policing agencies allegations of corruption at the highest level of administration surfaced throughout most of their enlistment process (Bruce, 2008). Buys (2007) in the research regarding the transformation in the SAPS quoted the Minister of the Police Sydney Mufamadi as stating : *“It was very painful to some of us to discover that the police, especially from the former Bantustans, were poorly trained and adhered to very loose promotion policies often vulgarized by nepotism, corruption and tribalism. This resulted in too many senior officials receiving promotion.”* On the other hand Van Vuuren (2014) reported the SAP also had a culture of corruption and criminality when they conducted covert operations as it provided a prospect for nurturing self-enrichment by police officials

by using secret account funds meant for informers. The transformation of the SAPS led to deterioration in the levels of police discipline and supervisory control. After the transformation process, tackling corruption was identified as one of the national priorities of the organisation. Accordingly, in 1996 the National Anti-Corruption Unit was established to investigate allegations of corruption and also it initiated and implemented the anti-corruption awareness in the service. In 2002, after some controversy, the Anti-Corruption Unit was closed and its functions were shared with the broader Directorate for Priority Crime Investigation (DPCI) better known as the HAWKS (Faull, 2010).

The first pillar concentrated on preventative measures, and the management had to develop procedures which will force officials to behave professionally in their work environment so that corruption and criminality will be dealt with in terms of the disciplinary procedures and such conduct will be intolerable. In light of this declaration all officials had to be sensitised about the nature, causes and consequences of corruption. Officials had to be made aware that all gifts have to be declared and entered with details in a register. This register has to be left at the Station Commander's office and SAPS Senior Management has to give permission to accept any gift.

The second pillar requires proactive detection of corruption within the police service. This means that the police officials involved in corruption must be identified and investigated by means of intelligence and proper investigative skills. The investigating officer must have appropriate and active informers that provide accurate information regarding corrupt police officials. The third pillar includes thorough investigation with detective expertise of all allegations of corruption that is levelled against the SAPS members. This investigation must be intensive with proper gathering and processing of evidence which has to be ready for the courts to be able to prosecute. The fourth pillar is known as Resolution and it entails the

finalization of corruption cases against police officials in terms of SAPS internal disciplinary processes. Once a police official is reported to be involved in any form of corruption, the appropriate disciplinary action must be taken and followed. The management must improve the internal control measures and ensure that disciplinary charges in terms of Regulation 20 of the SAPS Discipline Regulation are brought against every SAPS member charged criminally for corruption and fraud.

These improved measures have to reduce the possibility of the re-occurrence of incidents of fraud and corruption. They include a programme related to the Anti-Corruption Awareness like making police officials aware of the seriousness of committing corruption. The strategies should improve their budgeting skills to follow financially sound practices. It includes sensitising them about ethics and helping them to deal with stress related to financial debts. Continuous efforts are made in newsletters and other circulars attached to the salary advice of members, creating awareness to avoid being corrupted.

In 2008/2009, in the SAPS annual report to parliament, management admitted that it struggled to implement the previous anti-corruption strategies, particularly due to the lack of support from senior management and inadequate monitoring of implementation requirements. The promising elements of the new Anti-Corruption Strategy, combined with an active commitment and rectifying the failures of the past should be encouraged among all South Africans. Rose (2011) agrees that the implementation of the Anti-Corruption Strategy was to be driven by management at all levels through the implementation of specific measurable attempts from sound anti-corruption action plans to ensure the integrated application of the four pillars of the old Anti-Corruption Strategy.

The National Development Plan (NDP) 2030 provides guidelines to government to tackle corruption. The government departments thereafter aligns its strategic plans according to the NDP vision (South Africa, 2011). The SAPS Management has therefore to support the long term plan of government. The Annual Performance Plan (APP) 2014-2015 has certain action steps to prevent and address corruption in the SAPS. In the APP 2014-2015 a special sub-programme: Specialised Investigation has been implemented to deal with corruption. The Strategic priority stipulates that there must be a concerted investigation of serious organised crime, commercial crime and corruption where police officials are involved (SAPS, 2014). The Department of Public Service Commission has initiated workshops across government departments for Integrity Auditing for appointed ethics officers and these persons will be responsible for promoting and implementing ethical conduct.

Simultaneously, the SAPS has established a new component in the Division Human Resource Management. The new component will be called Integrity Management and its functions are to promote ethical behaviour and also monitor unethical behaviour. Although it seems that there is a coordinated effort to prevent corruption within government departments, this new initiative has still to be tested. The SAPS supports the NDP 2030 vision of zero tolerance towards corruption, in which SAPS members are held to account and in which leaders hold themselves to high ethical standards. The organisational environment within which the SAPS operates is politically vibrant and is unique with its own characteristics which continuously change due to certain political, economic, social, legislative, geographical domain, and environmental factors.

### 3.11 Risk Management Strategy

The SAPS Management has devised means to identify risks that occur within the SAPS. Risk refers to all the unforeseen circumstances that can affect the achievement of the SAPS objectives. Management must strategically undertake to

identify, analyse, and prioritise relevant risks, involving all components, especially those areas which are in the officials' performance of duties that are susceptible to corruption. Once the risks are identified, appropriate control measures must be developed to deal with them. Risk Management includes the risk assessment and focuses on losses that may occur. Strategies and actions are determined to prevent or minimise losses. The risk management strategy is conducted on a yearly basis and in the 2010 to 2014 Strategic Plan the foundation was laid for the identification of risks. Corrupt activities are sinister in the police and it still remains difficult to identify and charge corrupt officials. The SAPS has an obligation to implement a transparent system of financial and risk management and internal control so that Section 38 of the PFMA is applied. For the SAPS organisational goals to be achieved, there must be effective control measures developed to prevent the identified risks from taking place (SAPS, 2016(b)).

The key risks identified by the SAPS management regarding corruption are inadequate case docket management and case docket security, inadequate police response and service delivery at station level, criminality involving SAPS members, including fraud and corruption, inadequate personnel security in impacting on the murder of, and attacks on SAPS members compromised in detention management, resulting in escapes from police custody;

In all the above identified risks corruption is the major crime that must be tackled to prevent risks from occurring (SAPS, 2014). These risks are identified but the challenge facing management is the corruption and corrupt activities happening on patrol duties, out in courts and on the streets where junior officers are posted to work. These places lack senior officers' presence and supervision, since they still have to complete vast amounts of administrative duties. The challenges and delays caused by the administrative tasks makes it difficult to deal with the corruption by police officials. The identified risks become more of a paper exercise which is difficult to curtail on the job as a result of the administrative challenges.



In the above section the Constitution was explained as the founding principles of the basic protection of human rights. Police officials feel that the Constitution makes it difficult for them to enforce the laws effectively because if someone is arrested and police officials act inconsistently with the constitution, the person is set free due to the rights afforded to the criminal. The other legislations and policies such as Act 68, 1995, Act 26, 2000, Act 12 2004, Act 1, 2011, the Public Finance Management Act 1 of 1999 as amended by the Public Finance Management Amendment Act, 29 of 1999, the South African Police Code of Conduct, the SAPS Corruption and Fraud Prevention Strategy, and the Risk Management Strategy read with the SAPS disciplinary compliance were described briefly. Legislation alone is ineffective to combat and prevent corruption from taking place in the police. The country can have the best laws and policies and the correct and most effective legislation, but if police officials lack accountability and integrity in their actions, they will continue with their corrupt activities. The legislation is all in place to prevent corruption and there are definite steps taken to combat it.

The key aspects are laws for protection of “whistle blowers” and their identity. The laws must be stringent and be fully enforceable immediately after the “whistle blower” has divulged information about corruption. People are generally afraid to testify in a court of law due to threats on their lives and the processes followed in court. The entire SAPS Management needs strategies to change the culture and attitude of all police officials. The legislation provides for the rewarding of excellent performance and acknowledges good work with monetary awards for deserving police officials. The process of obtaining this award is cumbersome and involves the completion of many documents. Officials become easily manipulated by criminals who offer them money to commit corruption and this is done speedily. The next paragraph will briefly describe international instruments to prevent corruption.

### 3.12 International anti-corruption instruments

Corruption has a damaging effect on any country's image and it can affect growth and development economically, politically and socially by the devious acts of corruptors. Corruption is not restricted within the borders of South Africa only, but is an international problem. Anti-corruption plans have been developed in all international cooperative bodies, such as the United Nations (UN), the African Union (AU), Brazil, Russia, India, China and South Africa (BRICS) and International Criminal Police Organisation (Interpol).

This section will describe the strategies and steps taken by the UN, the AU, Interpol and the BRICS convention on ways to deal with corruption. South Africa, as a member state of the UN, has to abide by the intervention measures that exist to curb corruption and full co-operation has to be given to those countries that are aligned to the UN.

#### 3.12.1. United Nations Convention against Corruption

The United Nations Global programme against corruption recognised the long term negative outcomes of corruption on a country's economy and in view of the effects of corruption, member governments were forced to develop effective measures in an internal and external environment. The convention stipulates that member states of the UN should establish and maintain structures that implement and execute good governance, ensure that there is domestic and regional security, and that the rule of law is effective in dealing with social problems utilising the minimum resources (United Nations, 2004). A list of preventative measures includes the establishment of specialised procedures and bodies to develop internal methods to prevent corruption, and these include private sector preventative processes, actions aimed at overall prevention of corruption in the public sector and measures to prevent money laundering (United Nations, 2004). The convention also provided guidelines for law enforcement actions and required member states to include bribery and embezzlement. In the fight against

corruption the State Parties has to promote integrity, honesty and responsibility among its public officials in accordance with its own the legal system (United Nations, 2004).

The convention also mentioned that stricter measures have to be maintained for international co-operation and the focus points dealt with basic areas of policing. The policing departments in member states have to render assistance among member states of the UN. The policing functions include the extradition of the offenders, mutual and legal assistance and less formal forms of co-operation during investigation and other law enforcement activities. An Assets Recovery Plan was developed, making the process as simple as possible and the principle idea was that the return of assets is a “fundamental principle”. This made provision for assets to be returned to the country where the embezzlement took place. It also called for developed countries to assist with guidance in respect of modern technology in under-developed countries (United Nations, 2004).

Singh (2014) indicates that South Africa as a member state of the UN has to comply with the United Nations Convention against Corruption (UNCAC), because it is particularly stipulated in Section 39(1), (b) of the Constitution. The Constitution stipulates that the South African courts and tribunals must consider international law in its application of the law for prevention of corruption. This implies that international law is binding on South African courts. It also means that South Africa has to give full co-operation for the arrests and detection of international criminals committing corruption in South Africa and who commit corruption in other countries and hide out in South Africa (South Africa, 1996).

Luiz and Stewart (2013) state that corruption in a low income society and community can encourage further acts of corruption in an on-going cycle if left

unmonitored. People who live in abject poverty sometimes see corruption as a justifiable way of improving their lot in life. The UNCAC is an important intervention to ensure that member states of the UN implement strategies to prevent corruption and ensure effective punishment to offenders. It gave the assurance that member states should co-operate with one another in the investigation. The more developed countries should assist other countries with training and technology and the extradition of offenders. Lastly member states should forfeit assets that have been attained to the country where the money was looted from.

### 3.12.2 African Union Convention on Preventing and Combatting Corruption

Muna (2005) states that the AU Convention on preventing and combatting corruption provides an “ideal” platform for regional co-operation among African states in the fight against corruption. The convention aims to prevent, punish, co-operate and educate people in member states. These aims need to be achieved by the member states governments by improving the laws to prevent corruption and listed offences that should be punishable by legislation. Member states need to determine the mechanisms for the confiscation and forfeiture of the proceeds of corruption and related offences (Muna, 2005). The member states must determine their jurisdiction and plan mutual assistance between countries in relation to corruption and related offences. The member states have to encourage the education and promotion of public awareness on the evils of corruption and also establish a framework for the monitoring and supervision of enforcement of the convention. When individuals are affected by corruption and suffer vast losses they are unable to do so, due to inadequate provisions in the laws. Olaniyan (2004) supports the views of Muna and adds that corruption brings about unfair consequences for vulnerable groups.

The specific offences covered by the convention are in line with the UNCAC mechanisms tackle corruption, for example Article 4 of the convention deals with four offences of corruption, embezzlement, illicit enrichment and money laundering. To make the convention effective, member states that ratified the convention become part of the National Legislature framework and are obliged to carry out specific actions. The State Party agrees to undertake to adopt legislative and other measures to combat corruption, to adopt necessary measures to establish specified offences as crime punishable by laws and to ensure that the member states reflect these obligations in their own national laws (Muna, 2005). Udombana (2003) also indicates that the convention stipulates detailed obligations of State Parties for the purpose of the objectives set forth in the convention.

In essence the AU Convention on the prevention of corruption requires regional co-operation between member states. The convention follows the directions given by the UN for the implementation of improved laws by member states and to confiscate assets obtained through corrupt ways. Member states of the AU have to create awareness of the evils of corruption. The member states are also bound to implement the recommendations given by AU member states.

### 3.12.3 Brazil, Russia, India, China and South Africa (BRICS)

Gouvea, Montoya and Walsh (2013) explain that Brazil, Russia, India, China and South Africa have signed a treaty to improve various relations regarding the economies of their countries. Sahu and Gahlot (2014) mention that the people within the business sectors in the BRICS countries perceive that their governments have effective measures to fight corruption and they have faith in their own laws. The treaty relies heavily on the legislative frameworks of the respective countries and other UN treaties such as the UNCAC instruments

designed to prevent corruption. A brief explanation will be provided of the mechanisms to deal with corruption in the BRICS countries.

#### 3.12.3.1 Brazil

Brazil has a large number of laws in place to combat corruption. Corruption is mainly dealt with by the penal code established and enacted by Brazil. It established penalties for misconduct when public officials embezzle funds, commit public graft, accept bribes, commit breach of public trust and offer bribes to public officials (Stocker, 2012). Habib and Zurawicki (2006) explain that the task of preventing corruption is hard to tackle due to the low integrity levels of the police. In 2002 they established an 18-member Advisory Commission to deal with the rampant levels of corruption allegations in the private sector and among public authorities.

#### 3.12.3.2 Russia

In 2009 Russia published the National Plan for counteracting corruption and the focus was their three interconnected federal laws. They revised the Criminal, Civil and Administrative Codes relating to the bribery and corruption of public officials. According to Russian policy, public official means a Russian citizen who works in a government post and it includes law enforcement officials. Russia amended its anti-corruption laws in 2011 and included changes to the Criminal Code of the Russian Federation and the code of Administration in the field of fighting corruption. This legislation made three changes to Russian Law and opened the way for Russia to be accepted into the Organisation for Economic Co-operation and Development (OECD) working group on bribery. The changes made it possible for making bribing foreign officials illegal, increasing the statute of limitation for foreign bribery committed by legal entities and significantly

increasing the sanctions for both natural and legal persons for bribing public officials (Stocker, 2012).

Gouvea et al (2013) agree that Russia, under the rule of Medvedev, promulgated the National Anti-Corruption Plan which attempted to curb corruption in Russia. Russia is one of the 116 countries that have signed the UNCAC. Gouvea et al (2013) explain that Russians have historically lacked trust in their legal system but it was the primary means of controlling social values and practices which include corruption.

### 3.12.3.3 India

India's legal system is based on English Common Law and the existing anti-corruption law is largely designed to address the problem in the public service. The 1860 Penal Code incorporated corruption-related offences and this law makes it illegal for a public servant to commit corruption. The Indian "penal code" makes provision for sentencing a public servant who commits corruption up to 10 years of imprisonment and a fine. In serious corruption cases the punishment can warrant life imprisonment (Stocker, 2012). The reports by Habib and Zurawicki (2006), and Basu (2003) also indicate that India has old out-dated laws and that the bureaucracy supports the corruption. Changes were made in 1998 and the law is now called the Prevention of Corruption Act of 1988 (POCA). The POCA is relatively wide and its main aim is to focus on the curbing of corruption within government agencies and by authorities (Stocker, 2012).

The Indian laws are old and have serious implications for offenders in serious cases, as the guilty person can be sentenced to life imprisonment. The important focus is the POCA Act of 1998 and its wide range for preventing corruption by government officials. Traditionally India criminalised corruption by government officials with the passing of the 1947 Prevention of Corruption Act.

#### 3.12.3.4 China

The Chinese statutory provision dealing with official bribery are contained in articles 385 and 389 of the relevant Criminal Law. These laws make it illegal for any state functionary to extort or accept money and property from another person in return for securing a benefit. It is therefore illegal for a person to give money or property to a public official in return for a benefit. The offenders of bribery cases will be fined and imprisoned and this depends on the value of the involved bribe and the seriousness of the circumstances (Stocker, 2012). The National People's Congress made amendments to the Chinese Criminal Law in 2011. Important sections of the amendment kept out "Graft Bribery", which covers corruption of public officials. However, it was included in the "Crime against the Socialist Market Economy law". The amendments were made to criminalise and include the making of bribes to foreign officials in return for any commercial advantage (Stocker, 2012).

Gouvea et al (2013) support the explanation that China created the National Bureau of Corruption Prevention in 2007 which cannot investigate individual cases. Only a small percentage of corrupted officials; about 6% of all perpetrators, were prosecuted. Gouvea et al (2013) agree with Stocker (2012) that the People's Republic of China (PRC) passed amendments to its Criminal Law that criminalises corruption which is committed by foreigners and members of international organisations.

#### 3.12.3.5 South Africa

There are few legislations aimed at preventing corruption in South Africa and a detailed discussion regarding these legislative frameworks and key policies were provided in the above mentioned sections, namely paragraph 3.1 to 3.11.



Countries that have joined the BRICS Convention are known for its large population and have fast growing economies. These countries have changed governments over the years, and due to these factors corruption prevention strategies in these countries could be difficult to enforce. These countries need to give their commitment towards the eradication of corruption and their strategies should deal with major corruptors effectively in order to prevent corruption.

#### 3.12.4 Interpol

The Interpol member states are given a framework on which to base their strategies. The objectives of the framework are to ensure that the police force/police service of each country that has signed Interpol treaties must have a high standard of honesty, integrity and ethical behaviour in respect of policing functions. Every member state of Interpol must develop strategies to prevent, detect, punish and eradicate corruption in the police forces and services within its boundaries (Interpol, 2013). The police services/force of the member state should also establish a mechanism such as an oversight body to monitor the systems and measures established for preventing, detecting, punishing and eradicating corruption within their ranks (Interpol, 2013). The Interpol General Assembly (IGA) provided a framework to all member states to activate mechanisms in order to prevent, detect and punish corrupt police officials (Interpol, 2013). The objective by the IGA (Interpol, 2013) also stipulates that police officials, should have high standards of honesty, integrity and ethical behaviour when they perform their functions. Stalcup (2013) agrees that Interpol is not a police force and does not enforce national or international laws. Staff and police officials seconded to Interpol cannot use the powers as police officials in their countries to arrest, but must work in co-operation with the host country in which they are deployed.

Corruption affects the good governance of states and governments all over the world and it hinders development in countries. It decreases the quality of goods and services. Planned development for improvement in infrastructure that fails to take place negatively disturb the smooth flow of public service delivery. Corruption can then lead to a loss of trust and legitimacy in the government (Johnson, 2015). Most governments signed many conventions internationally and regionally at the levels of the UN, AU, BRICS and Interpol. The member states signed agreements to co-operate and work jointly with international countries in tracing and apprehending corrupt government officials. These policies are hardly ever successful in a court of law and legislation should be passed in member countries to close all loopholes. Laws should be simple and prevent corruption.

Loopholes in the laws are purposefully created by perpetrators to commit corruption and to pay bribes to all officials along the line. The policies should examine other measures to motivate good performers and encourage them to be successful in reporting and apprehending the corruptors. There are several gaps in the economic, political and social spheres which affect the Legislative Framework in the Republic of South Africa.

### 3.13 Gaps that cause the Legislative Framework to be ineffective

Police officials involved in corruption and other related offences create a complex problem for the SAPS and in the interview with the participants in this study reasons for committing corruption became easier to understand. The analysis of the data revealed that there are certain gaps that can intensify the challenges with regards to corruption. The identified gaps are as follows:

### 3.13.1 Economic growth and development

With the improvement in development and infrastructure during the 2010 Soccer World Cup, there has been an increase in the number of foreigners in South Africa. Both undocumented and documented people enter the country for employment and business opportunities to generate wealth (Wotela & Letsiri, 2015). The information that people arrived in South Africa in large numbers was further indicated in the ToxiNews (2014). The article reports that the total number of illegal foreigners increased from 1.2 million in 1989 to 2 million in 2013. The arrival of foreign sex workers in South Africa during the Soccer World Cup 2010 exacerbated the problem. It is reported that an additional influx of an estimated 40 000 sex workers came to South Africa for the 2010 World Cup (The Christian Science Monitor, 2009).

The population in all the major cities and towns in South Africa has grown and people from all over the world enter towns and cities for trading of goods and services. The influx of migrants and undocumented persons makes it a challenge for the prevention of corruption, (Faull, 2011(a) & Faull, (b)) as it creates a favourable environment for the police to take money from them as bribes for not possessing lawful documents. Luiz and Stewart (2013) support the opinion that police officials take advantage of foreigners to make extra money because they lack knowledge of the South African laws and police officials further threaten them with detention and false and exaggerated charges. These people usually have large amounts of cash with them and the police steal their money. Most of the undocumented persons are afraid to open cases because they may be deported from the country.

Their fear to be witnesses makes it difficult to arrest the police officials for corruption, since they may be required to testify and be questioned by the accused in a court. Some of these corruption incidents are captured on Closed Circuit Television Cameras (CCTV) and this evidence should be used in a court of law by the prosecutors. Steytler (2005) explains that the accused has the right to cross-examine meaningfully and effectively evidence before a court, as cross

examination is regarded as the principal method of testing the credibility and reliability of evidence. According to the procedures stated in Section 166 of the Criminal Procedure Act 51 106 of 1977, there has to be cross-examination and re-examination of witnesses. While the country concentrated on economic growth and development, its laws transformed at a slower pace for corruption to be effectively addressed and prevented. The South African laws are used as a defence mechanism for people to get away with crimes of corruption.

### 3.13.2 The criminals in the community that corrupt police officials

Lack of employment and the need for sufficient money to live a decent life and to survive the hardship and challenges of acquiring food, clothing and shelter make people look for alternative ways to make money. Money is made in illegal ways by selling drugs, stolen property and illegal goods. The criminals want to stay in business and find it difficult to endure their illegal activity for prospering. They are prone to provide police officers with small amounts of money to be allowed to continue with this illicit trade. Faull (2011(b)) concurs and explains that even if a citizen enters into corrupt acts willingly, this does not mean that he or she sees corrupt acts in positive terms. Bribery involves at least two parties. When South Africans consider police corruption they always position the police official as the initiator and beneficiary of the transaction, and the civilian as the victim. While this is often accurate, civilian complicity in instigating corrupt exchanges cannot be ignored. De Graaf (2007) states that corruption lacks a concrete victim and often evidence in corruption cases proves to be a challenge. The victims evade testifying in courts and offenders use this as a major excuse by corrupt officials to win their cases in a court of law.

### 3.13.3 The lengthy process in implementing laws, regulations and policy to curb corruption

When someone complains to the senior management of the SAPS that a police officer allegedly took a bribe, the process begins with a detailed statement. The statement must contain witnesses' names, facts and all elements of the crime to strengthen the case. The process of taking statements and investigating the docket is slow and often people get fed up with the system and subsequently drop the case. Joubert (2015) states that the mentioned procedure contains fixed elements for the case to be proved in court. To monitor the intelligence of a report that police officials are extorting money, screening of bank accounts and telephone records have to be done to make linkages with the criminals and this makes the process longer. To obtain the authority to access the mentioned documents an application must be given under oath to a Judge of the High Court. Before the authority to access bank accounts is granted, the application will be properly scrutinised by the courts. To set a trap is another activity which is cumbersome and time-consuming, because police officials must be caught red-handed with the money. Only when they are found in possession of the money the case against them becomes strong and the conviction of the police officials will be inevitable. The regulated guidelines on the process of acquiring authority to access information is clearly stated in Section 252A of the Criminal Procedure Act 51 of 1977 (South Africa, 1977).

### 3.13.4 Lack of dedicated investigative units and prosecutors and special courts

It is presumed that many countries in the world have established Anti-Corruption Courts and linked dedicated prosecutors to work closely with investigators to gather information as evidence which will be presented to these courts for a decision (Naidoo, 2013). In 2002 the Anti-Corruption Unit was disbanded by the then National Commissioner, Selebi. After the closure of the Anti-Corruption Unit statistics of corruption, complaints and members convicted of corruption

have been withheld from the media for publication (Faull, 2010). A dedicated unit investigating officers will have more time to co-ordinate its investigation into allegations of junior members. During these duties the senior officer has to be strict and fair, ensuring that no corruption and/or other misdemeanour is committed.

Police officials in the unit should have high moral standards, abiding by their code of conduct. It requires them to be honest and render acceptable and principled service. To attain the required levels of honesty, the SAPS has to implement continuous awareness programmes among all police officials. Currently the available laws and policy seem to be insufficient to prevent corruption. The Code of Conduct is difficult to use in a disciplinary case which could dismiss the members for corruption and find police officials guilty of failing to comply with police regulations. The police official who uncovers corruption must give evidence and the police official against whom an allegation is made has a right to question the accuser. Police have a vast amount of powers to arrest and detain offenders (South Africa, 1995; Joubert, 2015). Police officials are entitled to use their discretion for the release of offenders by the granting of bail (South Africa, 1995; Joubert, 2015).

These powers entrusted to individuals open a gap for the commission of corruption. This is a huge challenge for the police department, as police officials on patrol and at roadblocks will find an offender and use this opportunity to release the offender and take money as a bribe. Police officials patrol streets infested with criminals and they give the police official's large sums of money in return for their freedom. The detection of these crimes is difficult and a challenge, as it becomes a victimless crime. The laws and policy are hard to implement, because the law requires to hear the accused's side of the story as well. At the same time the Protection of Disclosure of information demands

“whistle blowers” to be protected and be anonymous, but a gap arises when they must testify in a court. Often the criminal then gains the upper hand.

A clear message is not sent from the courts when police officials are convicted. A conviction must act as a deterrent as it will make police officials fear to become involved in corruption. The legislative framework has to be designed in a simplified way to prevent corruption. Legislation must make provision for harsher penalties, making it costly to benefit from the proceeds of crime, corrupt acts and corruption. These actions will bring back respect for the laws of the country.

In the above discussion the ways in which the UN, AU, Interpol and BRIC treaties allow member states to promulgate and enforce their own laws and legislations were described. That means if a member state fails to enforce its own laws it will be difficult to uncover high levels of corruption. All these treaties require co-operation between member states and higher level instructions like the UN. This co-operation is a challenge due to favouritism of the offender by governments in some of the member states.

The SAPS Code of Conduct provides required values and principles and it gives guidelines on ways to achieve the sections in the Constitution to prevent and investigate crime. The many documents and strategies made it possible for police officials to lose focus on the Code of Conduct and it became a document which is unlikely to ever be complied with. Prior to 1994, police officials complied with the Standing Orders of the SAPS and if they showed disrespect, departmental steps were swift and firm. The important aspect of preventing corruption depends on the attitude of senior management and their conduct to prevent corruption. Corruption should be prevented by senior management,

setting examples as role models to the juniors by being honest, firm, impartial and consistent in their behaviour towards clients and employees in the SAPS. These views are supported by Rose (2011) and by Van Niekerk (2002).

#### 3.14. Summary

This chapter explained legislations, policies of the SAPS, and anti-corruption measures for combating corruption committed by police officials. A brief discussion regarding the effectiveness, the weaknesses and strengths of these legislations were provided. Furthermore, it was mentioned that the above-mentioned laws and policies, if implemented properly, can bring about major changes to stop the current scourge of corruption affecting the police services. The legislations, regulations and policies are important; however if there is a lack of commitment to implement these strategies it will let corruption manifest itself in an organisation that deals with people who are capable of bribing police officials because of their vast powers. The following chapter will explain the research design and methodology.



## **CHAPTER FOUR**

### **4. RESEARCH DESIGN AND METHODOLOGY**

#### **4.1 Introduction**

Corruption involves many risks and it is difficult to expose, as the people who report corruption to authorities experience great challenges. The reporter of these crimes often has to divulge information about family members, friends and colleagues. The desire to learn why police officials commit corruption created the opportunity for the research design and methodology utilised as the most appropriate to learn more about corruption. Therefore it was necessary to use a comprehensive applicable research design to explore the research problem. In this chapter the research design that was used, the research methodology, the measures to ensure trustworthiness, ethical considerations, the challenges in conducting the research will be discussed. The chapter will conclude with a summary. A description of the research design and methodology will firstly be explained in this chapter.

#### **4.2. Research Design**

Qualitative design is concerned with understanding phenomena from the participants' viewpoints (Creswell, 2009), and it implies that there is a fixed guideline and direction followed in understanding the research problem. The aim of this research was to gain insight into possible reasons for police officials to have committed corruption in the SAPS. A pragmatic research design was used to determine the aim and objectives of the research. Pragmatism focuses on the consequences of the research, the events, situations, and the solution of the study rather than on the origin of the circumstances. Thus, instead of focusing on the methods, the important aspect of research is the problem being studied and the questions asked about this problem (Creswell, 2013). The use of a pragmatic research design is motivated by the researcher's aim to determine the participants' reasons 'why' they committed corruption. Research in the police is difficult to

undertake as the researcher had to interview participants and be careful because they can incriminate themselves.

These sentiments are alluded to by Newham (2009); Faull (2010) and Grobler (2013) when they explain that the researcher must refrain from implicating participants in a crime. The research was contextual and qualitative in nature. Creswell (2013) states that there are different variations of pragmatism. The basic ideas are guided by a framework unrestricted by any one viewpoint and reality. Researchers have freedom of choice of the methods, techniques, and procedures which are able to meet the requirements of the research. Pragmatists do not see the world as a uniform entity and look at multiple qualitative approaches for collecting and analysing data rather than subscribing to only one way. Pragmatists agree that research occurs in social, historical, political and other contexts. In practice, the researcher who adopts this worldview can use multiple methods of data collection to best answer the research question and will focus on the practical implications of the research to emphasize the importance of conducting research that best addresses the research problem.

The word pragmatism means “practice” and “practical”, construing thoughts of an object clearly and only considering the possible effects of a practical kind in which the object may evolve. The expected perception from, and reactions to prepare these effects, whether immediate or remote, constitute the complete set of all conceptions of the object as far as that view has positive significance (Goodman, 1995). Pragmatism is the acknowledgement by philosophers that people handle everyday life in a specific way and the norms and habits become acceptable to them. Campbell (2011) supports the view and adds that pragmatism attempts to see life in a positive way while Menand (1997) mentions that a pragmatic research design tries to interpret each belief by tracing its respective practical importance. This implies that if the researcher in this study finds that corruption exists, then it would be true and the researcher should expect some practical differences in the situation after making recommendations. In this research study the strategy behind

the interviews was to learn more about the reasons why police officials commit corruption. Police officials have their own experiences and knowledge about ways and methods of committing corruption. These ways become a habit and a culture, forming part of their everyday lives. Grobler (2013) explains that corruption has become an aspect of the police culture, regarded as acceptable behaviour in which police learn these corrupt practices from one another. Kim (2006) believes that learning is a social process because individuals create meaning through their interaction with one another and the environment they live in. The pragmatist researcher believes that concepts are created rather than discovered, yet maintains that they correspond to something real in the world (Andrew, 2012). In the current research the participants described the reasons emanating from their everyday life situations within the police which form a distinct context of social interaction. This view is supported by the explanation given by Denzin and Lincoln (2013) and the researcher documented the participants' reasons why they committed corruption with shared understanding.

#### 4.3. Research Methodology

This research study attempts to understand the reasons why police officials committed corruption and explore police officials' reasons for having committed corruption and corruption related offences. The research will seek to provide recommendations to the SAPS to improve measures and strategies to prevent corruption. To achieve the aim and objectives, as discussed in section 1.5 and 1.6, the research interviews were carried out with selected participants, utilising a carefully structured research method. The population, the selection of participants, sampling criteria, data collection and analysis will be explained below.

##### 4.3.1 The population of the study

The population in the research consisted of police officials who were chosen from four police stations in Gauteng and two correctional facilities. Before approaching the participants the researcher had to obtain permission from the gatekeepers of the police station as well as the person in charge of the correctional facilities. The

acting Provincial Commissioner of Gauteng, Major General Gela granted permission and the letter of authority is attached as Addendum 1. The authority given by the Head of the DCS facility is attached as Addendum 2. These letters of authority created a good environment to build a relationship of trust and ensured that the juniors cooperate with the researcher. The researcher had to choose specific participants who are knowledgeable and have rich information regarding corruption in the SAPS. These people were identified at the four police stations.

Some of the participants are still serving police officials awaiting the investigation and trial against them. The participants in this study were purposefully chosen and included two groups. The first group consisted of nine ex-police officials who were convicted and sentenced for committing corruption and related offences. These participants were incarcerated in two correctional facilities in Gauteng. The second group of nine police officials were selected from four police stations in the Gauteng Province. At the time of the interview they were suspected to have committed corruption and corruption-related crimes. Four of the nine in this group had already been dismissed from the SAPS by disciplinary tribunals. The remaining five were waiting for the finalisation of the disciplinary investigation against them. Creswell (2013) states that the researcher should select individuals and sites for the study because they can purposefully inform an understanding of the research problem and a central phenomenon in the study which in this case, relates to exploring police officials' reasons for having committed corruption. They have knowledge and rich information about reasons as to why police officials commit corruption.

A study population consists of the total number of people from which the sample is actually selected for interviews. As a practical matter, researchers are seldom in a position to guarantee that the correct sampling will be done as there are many issues that will be involved in choosing the participants for the research. These actions can meet the definition of sampling a population for a research study as there is no hard and fast rule to choose the sample, even where lists of elements exist for sampling purposes (Babbie & Mouton, 2012). The population of the study

is bifurcated. In this situation 9 participants were chosen from police stations and 9 were chosen from correctional facilities in Gauteng Province. The first group of participants was located in four police stations and the second group situated in correctional facilities in Gauteng province. There are 142 police stations in Gauteng (SAPS, 2016(a)). The rank structure and the number of police officials at a police station are determined through a scientific study by Organisational development component of the SAPS. The size of the police station is also determined according to the crime statistics, demographics and terrain of the station area.

#### 4.3.2 Organisational Structure of a Police Station

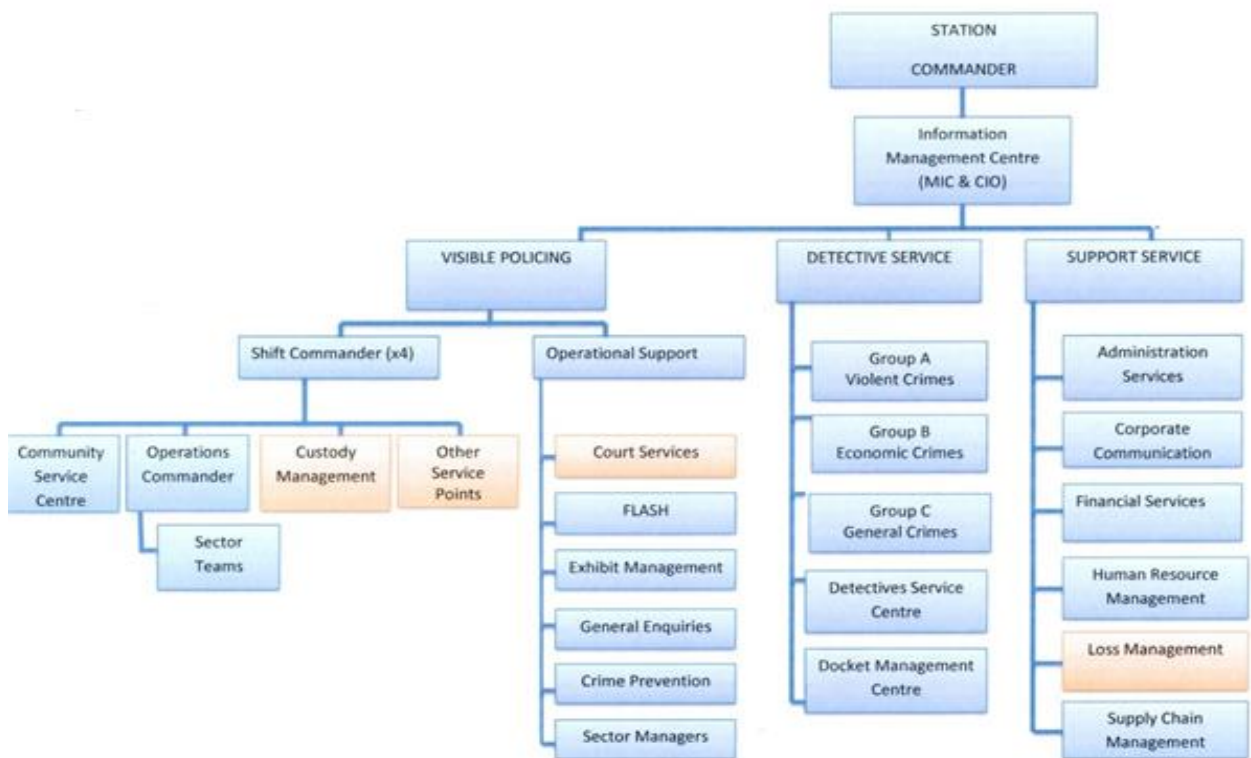
The organigram in Figure 4.1 mentioned below explains the structure of a typical Brigadier Station, which were the four stations that this study focused on. There are various sizes and structures of police stations and the biggest stations have a manager in charge at the rank level of a Brigadier. There is an average of 450 police officials employed in each of these stations. At a police station where a Brigadier is in charge the ranking structure consists of eight levels. The levels of the ranks define the lines of authority and is basically meant to outline the seniority of employees, and the particular way in which they interact with one another. The structure of the police stations is such that responsibility of the Station Commander makes him in charge of a particular police station and he can delegate the responsibility to the heads of components. The stations chosen were the ones with the most senior managers and the stations with the highest number of police officials. The stations chosen have the most difficult times in supervising police officials due to the volumes of work caused by the high incidence of reported crimes. The stations are situated in different towns in Gauteng. In order to ensure the anonymity of the participants and keeping the data confidential, these stations cannot be named. This is in line with the ethical clearance discussed in section 4.5.

At police stations there are three main components rendering services to the community. The visible policing officials execute tasks such as patrolling the streets by means of vehicle patrols; foot patrols and perform tasks of holding roadblocks. The employees in the detective service investigate case dockets of the crimes that are reported. The employees in the support component perform support and administrative duties, for example supply chain and finances. The human resource police officials perform all tasks relating to human resources, namely duties of implementing and maintaining employment equity policies, manage and coordinate human resource planning, determine posts that are vacant, monitor and promote sound labour relations by working with the labour forums, handle grievances, manage and coordinate performance management system-related matters, performance appraisals and support effective personnel placement and utilisation, administer and direct service terminations, coordinate and administer behaviour management; that is the disciplinary procedures (SAPS, 2016(d)).

The financial officers work with all the financial matters of the police at the station, provincial and head office levels. Their functions include to monitor and do the budget allocation and expenditure, inspect the financial registers and verify granted financial authority and to check payments against claims and process all claims. The supply chain official manages and coordinates effective and efficient control of state assets and the inventory and an effective distribution of physical resources, controls and coordinates acquisition management, management of the Safety, Health and Environmental standards and ensures effective management, coordination and maintenance of the vehicle fleet. The administration officials manage and maintain proper filing and the records of the administration system. They monitor and coordinate access to information, manage general administration services, administer losses and damages of all state property, monitor and evaluate loss and civil claim tendencies and administer and maintain the loss management and civil claim database (SAPS, 2016(c)).

The organigram shown below is a structure of a typical police station. The Station Commander is the most senior and manages the VISPOL, Detectives, and Support and Management Information Centre components. The participants in the research study worked in the VISPOL, Detective and Support environment. There is also the Crime Intelligence component which works directly under the Provincial Office, but the duties are coordinated by the Cluster Commanders. Crime Intelligence provides information regarding the criminals whenever they are tasked by a Station Commander for cases where it is difficult to trace the suspect by normal policing (SAPS Organisational Structure, 2012).

Figure 4.1 Organigram of a typical police station

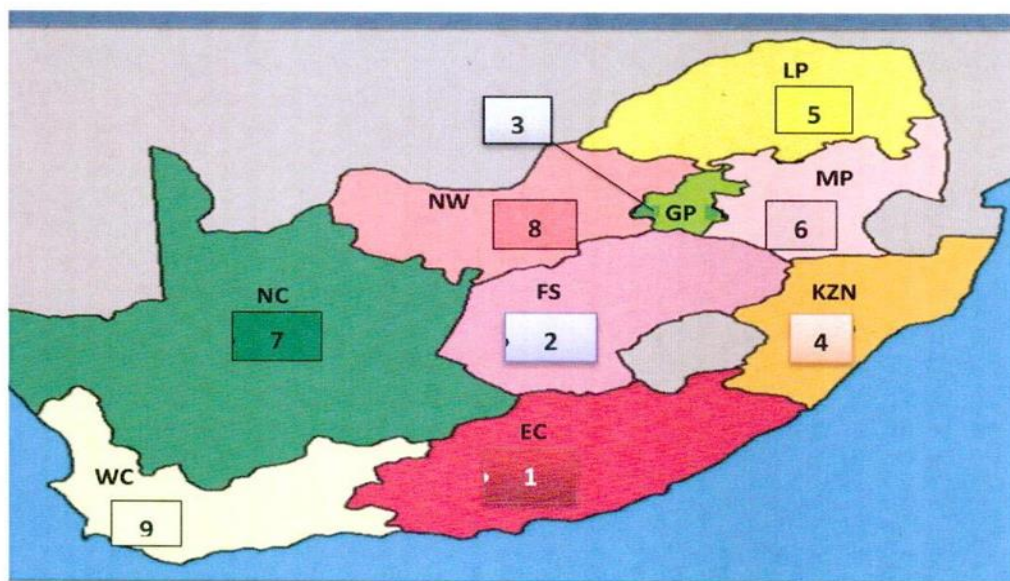


(SAPS Organisational Structure, 2012).

The above organigram shows the Station Commander as the highest echelon of the station. The Station Commander is in charge of all the components: VISPOL, Detective Services, Support Services and Information Management Services. The

VISPOL component has different sections and they are referred to as the Relief and Operational Support which falls under the command of the VISPOL Head. The Detectives are divided into groups investigating economic crimes, violent crimes, general crimes and the Detective Service Centre and Docket Management Centre. The Support Service has six components, known as the Administration, Finance, Supply Chain Management, Human Resource, Loss Management and Corporate Services. South Africa consists of nine Provinces and the map explained in Figure 4.2 shows the provinces. The provinces are colour-coded and numbered and Gauteng is in green and numbered 3 for identification purposes only. South Africa has a land surface of 1 219 090 km<sup>2</sup> and has a population of 54 002 000 according to the latest census (Statistics SA, 2011). The Republic of South Africa is situated on the South of the continent of Africa.

Figure 4.2 Map of South Africa



<b>1</b>	Eastern Cape	<b>4</b>	Kwa-Zulu Natal	<b>7</b>	Northern Cape
<b>2</b>	Free State	<b>5</b>	Limpopo	<b>8</b>	North West
<b>3</b>	Gauteng	<b>6</b>	Mpumalanga	<b>9</b>	Western Cape



The research for this study was done in Gauteng and on the map it is marked number (3). In South Africa there are 1 138 police stations serving the population of the country. Gauteng is the smallest province in land surface size but with a population of 13.2 million people served by 142 police stations (SAPS, 2015). The research was conducted in four stations in Gauteng and one, the largest station in the center of Johannesburg is referred to as A, second in the East is referred to as B, third in the South is referred to as C and fourth in the West is referred to as D. The selection was done to try to seek a population with different opinions and views with their own unique policing culture. The demographics and environment of the four stations are divergent, but police officials are all employed in the SAPS.

Gauteng has its economic beginning as a result of the discovery of gold in the region. Currently Gauteng is considered the nucleus of the South African commercial and industrial trade and it is one of the wealthiest Provinces on the African continent. In 1886 the discovery of gold in Johannesburg led to the development that shaped Gauteng Province. The early rural village transformed into a shanty town that spread out along the gold-bearing reef (Edgecombe, 1980). The news of gold discoveries led to many people flocking to the growing city. The first finance house providing funds to miners was the Corner House in Johannesburg. Today the same house is referred to as the Rand mines (South African Gold Rush, 1885). The development in the city led to tent towns, which later changed to wood and iron shacks. In the next two decades vast development with brick and mortar buildings were constructed. The rest was history in the making with the development of suburbs around Johannesburg.

In Gauteng there are 12 272 263 inhabitants (Statistic SA, 2011) and an influx of many documented and undocumented persons entering the Province. The SAPS Crime statistics are presented according to crime categories as well as the period of the relevant financial year in which the crimes took place. The SAPS crime

statistics refer to 5 categories of crime, namely contact crime, contact-related crimes, and property-related crimes, other serious crimes and crimes detected as a result of police action. Contact crimes include murders, sexual offences, attempted murder, assault with the intent to inflict grievous bodily harm, common assault, robbery with aggravating circumstances or common robbery, while contact-related crimes refer to arson and malicious damage to property. The property-related crimes category includes burglary into non-residential premises, burglary of residential premises, theft of motor vehicles and motor cycles, theft out of motor vehicles and stock theft. Other serious crimes include all theft, commercial crime and shoplifting. The last category is referred to as crime detected as a result of police action and includes illegal possession of firearms and ammunition, drug-related crimes, driving under the influence of alcohol or drugs and sexual offences detected by police. A financial year begins on 1 April of a specific year and ends on 31 March of the following year. The detailed crime figures are provided in Table 4.1 below.

Table 4.1 Gauteng crime figures for the period April-March 2010/2011 to April-March 2014/2015

CRIME CATEGORY	April to March of each year				
	2010 to 2011	2011 to 2012	2012 to 2013	2013 to 2014	2014 to 2015
Contact Crime					
Murders,	3246	2995	2988	3325	3671
Sexual Offences,	13664	11512	11113	10264	9902
Attempted Murder,	4041	34232	3571	3866	4202
Assault With The Intent To Inflict Grievous Bodily Harm,	46072	42939	40430	41182	41830
Common Assault,	53547	48437	44387	44159	42918

CRIME CATEGORY	April to March of each year				
	2010 to 2011	2011 to 2012	2012 to 2013	2013 to 2014	2014 to 2015
Robbery With Aggravating Circumstances,	39873	35148	35717	42506	47362
Common Robbery	18007	15826	15404	15579	17379
Total Contact Crimes	-178450	160289	153610	160881	167264
Contact Related Crimes					
Arson	1491	1378	1166	1172	1042
Malicious Damage To Property	39814	36418	35033	34585	34805
Total Contact Related Crimes	41305	37796	36199	35757	35847
Property Related Crimes					
Burglary At Non-Residential Premises,	16704	15985	15544	16452	16983
Burglary Of Residential Premises,	70447	64475	68296	67988	66172
Theft Of Motor Vehicle And Motor Cycle	32182	27851	27483	27436	27147
Theft Out Of Motor Vehicle	37038	38774	41738	42548	44807
Stock Theft	670	605	698	784	801
Total Property Related Crimes	157041	147690	153759	155188	155912
Other Serious Crimes					
Theft	113465	11672	107285	110545	109422
Commercial Crime	33598	30079	29710	26639	23836
Shoplifting	24747	22412	22307	22201	22562
Total Other Serious Crimes	548606	509938	502870	511211	514843
Crime Detected As A Result Of Police Action					
Illegal Possession Of Firearms and Ammunition,	3619	3886	3697	3667	3740
Drug-Related Crime	16432	25923	38131	74667	70264

CRIME CATEGORY	April to March of each year				
	2010 to 2011	2011 to 2012	2012 to 2013	2013 to 2014	2014 to 2015
Driving Under The Influence Of Alcohol Or Drugs	21402	20754	21770	26085	25794
Sexual Offences Detected By Police	0	522	739	439	469
Total Crime Detected As A Result Of Police Action	41453	51085	64337	104858	100267

(SAPS National Crime Statistics 2014/2015, 2015)

The above-mentioned table displays the five crime categories over a five year period. The statistics for the financial year ending in March 2016 is unavailable and has to be properly audited prior to being published by the Minister of Police. The contact crimes statistics reveal a decrease in the crime levels between the 2011/2012 financial year and the 2013 financial year, when compared with the same period in 2010. In the 2014 financial year the crimes in this category increased. The fluctuations in the crime levels are caused by an increase in the number of murders and robbery aggravated. The increase in the murder rate can be attributed to vigilantism, as communities are taking the law into their own hands. The communities are angered, frustrated and despondent with the delays in finalising criminal cases in a court of law. Other perceived causes of the high incidence in murders include alcohol abuse, gang-related incidents, taxi-related conflict, domestic violence and robberies that went wrong, according to the perpetrator, thus killing the victims (SAPS, 2015).

The crime of robbery with aggravated circumstance proves to be a matter for concern, as this illustrates that there is an increase in carjacking, house robbery and truck jacking. Contact-related crimes decreased from the 2010 /2011 financial year to the 2013/2014 financial year with an increase thereafter. The increase may

be a result of intergroup violence arising from leadership contests, disputes over boundaries or land ownership, stock theft, personal vendettas, traditional competition and revenge attacks. There was a decrease in property-related crimes between the period 2010/2011 financial years to 2011/2012 financial year with an increase in the following financial years from 2012/2013 to the 2014/ 2015 financial year. The fluctuations of property-related crimes may be as a result of the lack of security at residences, victims' negligence when locking their vehicles, as well as the increase in anti-hijacking devices that are now fitted in motor vehicles and bicycles. The statistics reveal a decrease in other serious crimes from the 2010/2011 financial year to 2013/2014 financial year with an increase in the following financial year, namely 2014/ 2015 financial year. Theft under this category covers the largest range of crimes involving other forms of theft and is more than any other category. It therefore impacts on the fluctuations of other serious crimes.

Furthermore, technological improvements assist offenders to commit such crimes. Challenges of detection across international borders create an ideal opportunity for offenders to commit these crimes, influencing the increase of commercial crimes. Crime detected as a result of police action increased from 2010/2011 financial year to 2013/2014 financial year with a decrease in the 2014/2015 financial year. The increase in the crime category may indicate that the police operations are effective and a decrease can mean that they were ineffective or the criminals were shrewder to prevent the detection of this kind of crime. Operations in partnership with the Road Transport Department for the awareness of the Arrive Alive Campaigns led to a decrease in the cases of driving under the influence of alcohol or drugs which leads to drivers refraining from drinking and driving. Illegal drug abuse and addiction is on the rise in South Africa.

Drug abuse is viewed as one of the causes of violent and property-related crimes, since drug users need money to sustain their drug addiction. The decrease in illegal possession of firearms can be considered as a positive outcome, but a decrease does not necessarily indicate that there is eradication of illegal firearms in the society. It can mean that the criminals hide firearms in secret places unknown to the police informers. This makes the detection of illegal firearms more difficult (SAPS, 2015). Sexual offences detected as a result of police action has been reclassified since the 2010/2011 financial year to fall under crime detected as a result of police action and thus reflect zero in the 2010/2011 financial year (SAPS, 2015).

The corruption cases against police officials are not recorded on a specific crime code and it is difficult to trace on the SAPS crime administration system. The corruption cases on the system include all corruption cases committed by any individual and there is no specific code on the system regarding corruption committed by police officials. The information is supported by the Sub-section Head of the Crime Analysis Centre in the war room Gauteng, Colonel de Jager (2015). Lieutenant Colonel Booyens (2015), the Head of Gauteng's Human Resource disciplinary offices explained that the police started to keep proper records of police corruption only in 2011 and it was kept at the Provincial Head Office. These statistics were not registered on the police crime administration system. The detailed corruption case figures are given in Chapter One, paragraph 1.2.

The complicity of police involvement in crime cannot be ruled out and in some cases the police give protection to criminals during the commission of crime. This protection makes it easier for criminals to commit crimes and to evade arrest and prosecution. Police officials also commit corrupt deeds in respect of property-related crimes like housebreakings and business robberies when they enter

premises to steal property. It could mean that the increase in crime may be as a result of police taking part in crimes to make extra money for themselves and that they are familiar with the CJS and assist criminals to commit offences.

#### 4.3.3 Selection of the participants

Common to all qualitative studies there is a need to identify an appropriate sample from which to acquire data. The identification of the sample depends on the research question which, in this case is “why do police officials commit corruption?” If a researcher wants to draw inferences about an entire population a sample must be chosen presumably to represent that population. Frequently qualitative researchers select their data from a purposeful sample (Leedy and Ormrod, 2014) and in this study the sample constituted police officials arrested for corruption because they could potentially provide rich and deep data.

The researcher purposively chose those that had been arrested for crimes defined as corruption and those that had committed crimes involving theft, fraud, housebreaking and robbery. These police officials were charged for corruption, because these crimes were committed while they were on duty, using their powers as police officials to get away with these crimes. The persons who were arrested for theft or robbery were on duty and used their official powers to gain entry into people’s dwellings and then stole from and robbed the victims for their own financial gain. These types of cases are also classified as theft and robbery and it is for this reason that police now have cases of corruption and corruption-related offences as those common law crimes committed while on duty (Booyens, 2015). The participants were either working in visible policing, detectives or in the support environment at the police station.

#### 4.3.4. Sampling Criteria

The purposeful sampling technique and specifically criterion sampling, was used to select the participants, who are those police officials involved in corruption and

corruption-related offences. De Vos et al (2011) explain that researchers must carefully consider the boundaries of the population and then select the sample, adhering to specific criteria that purposively inform an understanding of the research topic. The logic and power of purposeful sampling was the foundation for selecting information-rich cases in the study. In-depth rich information cases provide material from which one can learn a great deal about issues of central importance required for the purpose of the research (Patton, 1990). A purposeful sample was used on the basis of the knowledge of the population, its elements and the nature of the research aim. These views are supported by Babbie and Mouton (2012). Before the commencement of the interviews the participants were informed that their participation in the study was voluntary and their confidentiality assured at all times. After the researcher had explained the purpose of the research to the participants and only after the participants agreed, they were given an informed consent form to read and sign voluntarily before the interview started. The informed consent form is attached as addendum 4.

The purposeful sampling method was used to select the participants and a total of 18 participants were interviewed. Of the nine who were not incarcerated at the time of the interviews four were dismissed by the disciplinary procedures of the police, while two were still employed by the SAPS awaiting their dates of trial, since witnesses failed to turn up at the first appearance in court. Another three were interviewed because their commanders made allegations of corruption against them. They provided their statements but the witnesses failed to present themselves as they were foreigners and had left the country before the cases went to court. As a result of the allegations made against them, the SAPS management was obliged to transfer them to perform duties in another environment. The participants are knowledgeable about corruption cases that are investigated against police officials. The names of the three that were interviewed were originally provided on the list by the Human Resource Practitioner from the station as those who had committed corruption. The only difference is that the others had been found guilty and dismissed from the police. It is normal practice that when



there is an allegation of corruption against a police official he/she is then transferred from the current work environment to another unit until the finalization of the entire criminal process in court. The participants, when interviewed, admitted to having allegations leveled against them and that the cases are investigated. The remaining nine are currently incarcerated in the two correctional facilities.

Permission was obtained from the Acting Provincial Commissioner of Gauteng, Major General Gela. The Acting Provincial Commissioner is committed to eradicating corruption from within the ranks of the SAPS and as the gatekeeper of the Province, views the research as a means of exposing possible reasons why police officials commit corruption and related offences and the research was fully supported. The permission authorized the researcher to liaise directly with the Human Resources manager at the relevant stations for the names and addresses of those members who were convicted or were alleged to be involved in corruption or corruption-related offences. The Permission to Conduct Research in the SAPS letter is attached as Addendum 1. The purposeful sampling method of receiving a list of police officials who committed corruption or crimes related to corruption was used and the participants were contacted through referral by the interviewed Human Resource Manager and investigating officers.

In order to interview the incarcerated ex-police officials, permission had to be obtained from the Commissioner of the DCS through the Policy Co-ordination and Research Department. The Head of the DC: Policy Coordination and Research granted permission which is attached as Addendum 2. The process of tracing participants involved visiting the Regional Commissioner in the Correctional Centers with the permission letter and a Correctional Services official was delegated to assist with identifying the ex-police officials who were incarcerated in those centers. These steps were followed in the two chosen research sites.

The purposeful sampling method was explained and found to be the most appropriate, because the sample consisted of police officials who were involved in

corrupt activities. The chosen participants were either criminally convicted or departmentally guilty of corruption, whilst some participants were awaiting the outcome of the criminal cases against them. Permission had to be obtained from the gatekeepers of the SAPS and the DCS Facilities to interview the participants. The names of the police stations are not mentioned in order to protect the identity of the participants since they continuously re-iterated that their lives would be endangered if their identities were disclosed. Initially the researcher intended to interview only police officers working for the SAPS, but inspired by the explanation provided by Dixon in his article as mentioned in paragraph 1.2.1. (Dixon, 2012), the researcher also interviewed ex-police officials incarcerated in Johannesburg, and Leeuwkop correctional facilities.

#### 4.3.5 Data Collection

Qualitative researchers utilise multiple forms of data in any single study. Depending on the situation and the type of research, they can use observation, interviews, objects, written documents and anything else to help come to a finding regarding the research. The prospective sources of data are limited only by the researcher's open-mindedness and creativity. It is important that data collection methods be standard with ethical principles, making it possible that data collected must be traced to the particular individual and also always keeping confidentiality in mind. Participants providing sensitive information require the researcher and all involved to be responsible in ensuring that the information is treated with confidentiality (De Vos et al, 2011).

Creswell (2009) agrees with this view and explains that researchers should predict the risk of sensitive information disclosed during data collection and in these situations the ethical code of the researcher must be to protect the privacy of the participants. Data were collected by conducting in-depth interviews with the participants, observations were done during the interviews on the participant's research site and field notes were kept. The in-depth interviews were unstructured and consisted of open-ended questions to elicit a deep understanding of the

participants' experiences "why" they committed corruption. The participants also explained and discussed reasons why they committed corruption or corruption-related offences. The researcher listened attentively as participants described their everyday experiences related to the phenomenon explored in this study.

The researcher paid attention to the themes that emerged from the participants' lived experiences. At the same time he ensured that the strategies used to deal with corruption were examined and the inhibiting factors and challenges to the corruption strategy were also taken into consideration. The researcher made use of extensive field notes for the purpose of data triangulation. The field notes are important aspects for enhancing the validity and reliability of the research within the interpretative paradigm. Two sets of field notes were kept; one described the environment and the observation of the reaction by the participants when they related their story. The notes needed to be studied continuously in order to develop the study into an emergent design (Babbie & Mouton, 2012). The second set of notes was the key ideas mentioned by the participants during the interviews. Questions that followed emerged from these notes to probe the participant to obtain a deeper understanding of the explanation given regarding the topic. To strengthen the data capturing and recording of the exact words spoken, a digital audio recorder was used to document the interviews, which constitutes the raw data and will be kept available for a period of five years.

De Vos et al (2011) recommend a pilot test which consists of carrying out all aspects of the total data-collection process on a small scale. The pilot study must take all heterogeneous factors into consideration. The pilot study is a process for testing and validating the instrument by administering it to a small group of participants who should not be the ones who will participate in the main study. Creswell (2013) states that the pilot study helps to refine questions and procedures and helps to develop relevant lines of questions. This process was followed in this study. The suggestion by De Vos et al (2011) indicates that a researcher should use the experience gained during the pilot study to carefully evaluate the strong

and weak points encountered during the interviewing process. In this way the researcher will be familiar with the way to enter the research site and the process involved in conducting the interview. After the pilot study the researcher will gain confidence and become aware of their own level of interviewing skills. The pilot study can be used as a development and training of the researchers skills for interviewing.

In view of the above-mentioned recommendations, a pilot study was conducted in this research. A first interview in one of the research sites was conducted to serve as a pilot study. A pilot interview was conducted with the first participant arrested for corruption. The pilot study was carried out before the actual research study was undertaken. Though the researcher undertook other interviews for previous studies, this pilot study was done both as a preparation and as an evaluation experience. The chosen research method was confirmed and determined as the most suitable method by the promoter. The techniques of the researcher were evaluated and additional training was done at a meeting session immediately after the interview. The procedure followed in the pilot study was:

- one in-depth interview with a participant from a different station than the one in which the research was conducted;
- The participant was a police official and was arrested for corruption. This ensured that the same kind of information of his experience of corruption will be elicited;
- The interview consisted of in-depth questions and the procedure used was the same as that utilised in the actual research, as described by Kvale (1983);
- The interview was transcribed and discussed with the researcher's supervisor to determine whether the crux of the phenomenon had been covered and whether an appropriate technique of interviewing had been mastered.

Only when the pilot study had been completed and the researcher and the promoter were satisfied with the skill and techniques used by the researcher in

interviewing, observing and recording data, did the researcher move on to the next stage of returning to the selected research community to build relations in the field. In addition, the promoter validated the quality of the interview and deemed it good enough to include in the actual study. The promoter assessed the actual interview and the high standard of the interview impressed the promoter so much that the researcher was requested to include and use it in the data analysis process. By making use of a digital audio-recorder, rich and thick information was gathered and later transcribed verbatim.

The data were collected by using in-depth interviews with the participants and observing their reactions and explanations. The questions were unstructured and data were collected from 18 participants. The pilot interview was included. Lessons learnt from the pilot study were used to improve the technique of interviewing. All participants were given a chance to explain their experiences and this was done until saturation took place. The explanation of their experiences during the interview enabled the researcher to ask more questions to probe the answers given, until information was repeated and the researcher could gather no new information. In the interview process the researcher established trust and spoke calmly and patiently and asked appropriately phrased questions without creating distrust. This helped to obtain views and experiences of corruption from the participants.

#### 4.3.6 Data Analysis

The researcher mentioned in the above section that the data were collected from participants at police stations and from correctional facilities and that the interviews were then transcribed verbatim. The transcribed information was then arranged into categories and thereafter it was constructed into a narrative and the real qualitative task was written. Before writing the narrative the researcher had to analyse the data. Data analysis requires the researcher to organize, provide structure to and elicits meaning from the obtained data and it involves several steps. It involved collecting information from the field and sorting the information

into themes, by utilizing the eight steps recommended by Tesch (1990) and listed as follows:

- Get a sense of the whole, by reading through all the transcriptions of the *in vivo* quotes carefully. Ideas that came up were written down.
- The transcriptions were read over completely to understand the underlying meaning of the information. In the process thoughts that came to mind were written down in the margin.
- After that a list was made of all the topics relating to corruption. Similar topics were clustered together and the major topics were grouped collectively, while the unique and remaining topics were arranged and sorted out.
- Descriptive words were found for the topics and themes and categories were formed. The total list of categories that related to one another was grouped into main themes.
- A final choice on the abbreviation for each category and codes were alphabetised.
- The data most appropriate to a category were assembled in one place and a preliminary analysis was performed.
- The existing data were recoded if that was necessary.

Tesch (1990) states this process is referred to as “de-contextualisation or re-contextualisation” and the end result is the development of an enhanced picture. Qualitative data analysis requires classifying, coding the data into themes and engaging in interpreting the data. The process involved conceptualising the codes and themes to attain the larger meaning and making sense of the data (Creswell, 2013). The independent coder has to use a predetermined plan and protocol on how to perform the analyses in order to properly and systematically code the data (Tesch, 1990).

The researcher continued with the process and developed themes from significant statements which had the same meaning. A shortlist of five themes with categories

was generated. The researcher then again read through the data and reviewed the statements and themes and in this way determined whether new topics emerged. The significant themes and categories were then used to write a description of what the participants experienced in the findings (Creswell, 1994; Creswell, 2013; De Vos et al, 2011). Upon finalization of the themes, the researcher conducted member checking by approaching 12 participants for a second time to validate the findings. No new data emerged as a result of this check. This process, however, assisted with validation and an additional measure of reliability, as the data, themes and categories were clarified by them and an explanation of misunderstandings were dealt with at this interview.

The researcher gave the raw data in the form of transcriptions and field notes for data analysis to an independent coder who is experienced in qualitative research (Certificate by Emoyeni collaborations for Co-Coding Individual interviews, added as Addendum 5). An agreement was made before the independent coder started with the coding and the researcher held a consensus meeting with the co-coder to discuss the themes and categories that had emerged from the impartial analysis done by both of them. Initially six main themes were identified and with consensus with the promoter five themes emerged. This occurred after further analysing the meaning of themes when those with similar meaning were incorporated into a final list for discussion. The promoter also coded data independently and discussed findings with the researcher. Recordings were made to capture the essence of the study and also to identify other constituent parts (Tesch, 1990). The findings served as a foundation to propose recommendations to facilitate the improvement in the anti-corruption strategy for the SAPS. The process data were summarised, described and discussed. The researcher will keep the transcribed data in safe storage for five years.

#### 4.4 Measures to ensure Trustworthiness

The important criterion of qualitative research is found in the validation strategy used in the study. The researcher needs to convince the readers that the findings

are significant and credible. The information has to be credible, so that it can be transferable and dependable. The researcher has to have confidence in the findings (Babbie & Mouton, 2012; Creswell, 2013). These principles are the key standards manifested in the work of Lincoln and Guba (1985), as stated in Babbie and Mouton (2012). The criteria that were applied in this research are addressed in the following points.

#### 4.4.1 Credibility

Credibility was demonstrated by conducting the research in such a way that the phenomenon at issue is accurately described. The truth value is demonstrated if the research has established confidence in the findings derived from the information supplied by the participants when they described their personal experiences. Credibility refers to the confidence in the truth of the data and its interpretation. This guideline has been followed meticulously and the researcher reported the interview results verbatim by means of an audio recorder. The credibility strategies used in the studies involved the following criteria:

- Prolonged engagement

In order to create constructive relationships the researcher spent time with the participants. The researcher did this by meeting and speaking with the participants face to face prior to the interview so that they felt free to talk with him. It included building trust with participants, learning the culture, examining the culture and checking for misinformation. The interview lasted about one to two hours on average until the data became saturated (Creswell, 2013).

- Persistent Observation

Observation was done prior and during the interviews. The researcher had to make time for observing the participants' expressions and body language. The researcher was alert and aware that the participants might provide untrue information as some of them had been arrested and might take



revenge on their seniors. In view of this awareness their actions had to be consistently pursued and interpreted in different ways by constantly and tentatively analysing data for facts, for instance reference to important cases that took place. The researcher was wary of multiple influences and searched for what counted and what did not count (Babbie & Mouton, 2012).

- Triangulation

The methods of triangulation used in this study to draw conclusions of what constituted the truth about corruption were the detailed description of the emergent themes. The emergent themes were described using thick and rich descriptions. The *in vivo* quotes were taken directly from the participants' responses to their experiences of corruption and were stated verbatim. Typically, this process involved corroborating evidence from different sources to shed light on the themes (Creswell, 2009).

- Referential Adequacy

The instrument used to document the findings was a digital tape recorder and it provided a record for the research. The recordings were saved on a disc and it will be kept for five years (Babbie & Mouton, 2012).

- Peer Debriefing

This was done with a colleague with the same status and who was outside the context of the study. This colleague has a general understanding of the nature of the study, and the perceptions, insight and analyses related to the study were questioned by him (Babbie & Mouton, 2012). Moreover, the peer asked hard questions about methods, meanings and descriptions. A debate followed about the various issues regarding the research and eventually a reasoned and objective third party view was reached in respect of the themes. This person was uninvolved in the research process and as a peer played 'devil's advocate' and reviewed perceptions, insights and analyses,

adding value to the credibility of the study. The disagreement helped the researcher to understand the underlying meaning of the themes.

- Member Checks

The researcher went back to some of the participants and verified the description of the meaning-making process to them. It was necessary to access the intentions of the participants to correct obvious errors and to provide additional volunteer information. This was done to summarise the first step of the data analysis and to improve the overall adequacy of the data (Babbie & Mouton, 2012; Creswell, 2013).

#### 4.4.2 Dependability

The research findings must also provide readers with evidence that if it were to be repeated with the same or similar respondents in the same context, the results would be similar. An independent coder was used to determine whether the procedures and processes followed in the study are acceptable. Consensus discussions with the independent coder and the promoter were held for the selection of themes and identification inferences. Dependability was further enhanced by having independent checking and supervision by the promoter of this study (Babbie & Mouton, 2012).

#### 4.4.3 Conformability

Conformability refers to the neutrality of the data and there was an adequate trial to enable an auditor to determine if the conclusions, interpretations and recommendations can be traced to their sources and if they are supported by the inquiry. Conducting such a trial involved reviewing the raw data, namely the transcribed interviews. The written field notes, and documents will be kept and be available for reviewing for a period of five years (Babbie & Mouton, 2012).

#### 4.4.4 Transferability

Transferability refers to the extent to which the findings from the data can be transferred to other settings or groups. A complete thick description of the research setting, the transactions and processes observed during the enquiry were presented in the text (Babbie & Mouton, 2012). The interviews with the participants were recorded verbatim using a digital tape recorder. The recordings were transcribed verbatim by the researcher himself and they constituted thick rich data from each interview. This thick data will enable others to make a judgment and decide how transferable the findings are to their own settings. In the description of themes and categories the researcher used the exact words used by the participants by providing *in vivo quotes* from the transcribed interviews (Creswell, 2013). The measures to ensure trustworthiness were used constantly and vigorously during the interview process and when the raw data were coded. This was done to ensure reliability, credibility, dependability, conformability and transferability of the findings. The researcher used *in vivo* quotes directly from the transcribed data, thereby ensuring there was triangulation of the findings.

The researcher had to undertake the studies by carefully selecting the validation strategy which would be vital to convince the readers that the findings are meaningful and sincere. The researcher had to display trust and credibility in the findings. Credibility was demonstrated by ensuring that the phenomenon was accurately described. The measures to ensure trustworthiness were constantly and vigorously used during the interview process and when the raw data were coded. The data had to be reliable, credible, dependable, conformable and transferable, making the findings credible. The research was done in Gauteng and the participants in this research were police officials who were either arrested for corruption, incarcerated in the correctional facility, while some had already been dismissed from the police.

The participants were selected because of the in-depth rich information they possess regarding corruption in the SAPS. The data were collected by interviews

and the raw data were transcribed verbatim. The transcribed data were coded using a selected method to categorise the information into themes attaining meaning to explore the research problem. Challenges were encountered when attempts were made to find statistics for police corruption. Police corruption lacks a specific crime code on the SAPS crime administration system and the investigation case docket management system, making it difficult to trace the number of corruption cases. The researcher had to maintain high levels of ethical principles in the interview process and writing up of the transcribed data. Ethical considerations will be discussed in the following section.

#### 4.5 Ethical Considerations

When writing about ideas, comments, suggestions and experiences, researchers need to protect their participants, have to develop trust with them, promote the integrity of the research and guard against misconduct and impropriety (Creswell, 2009). When the research was conceptualised during the planning stage of the study, the researcher was aware of the ethical issues that may arise. In this research data were collected from people who had sensitive information regarding corruption.

Ethical practices include much more than merely following certain guidelines. The researcher sought to explain those that are fundamental to the studies. These main points will be explained as ethical issues in the research problem; ethical issues in the purpose and questions; ethical issues in data collection; ethical issues in data analysis and interpretation, as well as ethical issues in writing up and disseminating the research.

##### 4.5.1 Ethical issues embedded in the Research Problem and the aim and objectives of the study

The research problem identified had to benefit the participants who were police officials and the findings will contribute to the knowledge of others. The researcher refrained from subjecting the participants to unnecessary risks or harm. The

researcher undertook an informal discussion with the participants prior to the interviews to establish trust and respect so that any emotional discomfort could be detected (Creswell, 2009). When participants became afraid to share all the information at once, the researcher arranged another interview. During the next session the fears were explored and witness protection could have been arranged if the participant needed protection.

The participants were fully informed of all intentions and objectives of the study. The participants could have been deceived when they assumed one purpose but the researcher had a different purpose in mind (Creswell, 2009).

#### 4.5.2 Ethical issues in Data Collection

The participants were respected and their right for human dignity and to self-determination was honoured during the interview process. The participants voluntarily decided to participate in the study (Creswell, 2009). In addition, the researcher developed an informed consent form for the participants to sign before they pledged their involvement in the research. Permission to conduct the research was received from the Ethics Committee of the College of Law from the University of South Africa. The Researcher respected the authority of the SAPS and DCS and permission was obtained to gain access to the site from the management of the SAPS and DCS (Addenda 1 and 2). The actions by the researcher to observe the ethical issues in the data collection process are explained by Creswell (2009).

It was important to gain permission to enter the field that had been identified as the research site and was essential to start the study. In addition, obtaining permission from the relevant authority or “Gatekeeper” also lets the people directly involved in the research be consulted regarding the process before gaining access to the participants (De Vos et al, 2011, Creswell, 2009).

The gatekeeper for the police stations was the Acting Provincial Commissioner of Gauteng, Major General P.E. Gela. The Station Commanders had been briefed,

prior to the research being carried out in the chosen police station. In addition, the gate-keeper in the Correctional Facility is the Head of the Department of Correctional Centers and permission was obtained. Then the Regional Commissioners of the two centers chosen were also given a brief explanation of the intended research.

#### 4.5.3 Ethical issues in Data Analysis

The researcher ensured that confidentiality of the data collected during the interviews was maintained by the various people who were involved in the research process. These people are the researcher, the promoter and the independent coder. The researcher transcribed the audio taped data and edited the data by removing any name or context that could lead to the identification of any individual, thus maintaining anonymity and confidentiality. The researcher interviewed the participants in private without anyone present in the room. The data that were collected will be stored by the researcher under lock and key for five years (Mouton, 2001; Creswell, 2009).

In the description of the data the researcher provided an accurate account of the information. This accuracy may require debriefing between the researcher and the participants. The researcher had to thoroughly check the accuracy of the data with the participants and across different data sources (Creswell, 2009).

#### 4.5.4 Ethical issues in writing and disseminating the research

Ethical issues apply also to the actual writing and disseminating of the final research report. The researcher used language and words that are unbiased against the participants in terms of gender, sexual orientation, racial or ethnic groups. The researcher was aware of the potential for falsifying and inventing findings to pad the findings.

In the planning phase of the study it was important to anticipate the repercussions of conducting the research on a certain audience and not to misuse the results to

the advantage of one group. The researcher will provide the gatekeepers with a copy of any publication emanating from the research (Creswell, 2009). The researcher undertook to ensure that all ethical considerations were adhered to throughout the study. The findings were clearly and accurately reported with “*in vivo*” quotes that contained key aspects of the transcribed data.

#### 4.6 University of South Africa (UNISA) Code of Research Ethics

The UNISA Code of Research Ethics expects all those engaged in research to observe high ethical standards in their work and conduct research complying with the obligations imposed by the codes of practice of relevant professional and regulatory bodies (UNISA Research Ethics, 2007). UNISA’s policies provide a framework for sound research procedures and for the protection of individual researchers from possible misunderstandings. These policies also draw the attention of researchers to their obligations concerning the retention and location of data, authorship and possible conflict of interest in research activities.

The researcher maintained careful ethical procedures throughout the research and UNISA’s Code of Research Ethics was followed. The participants’ dignity and emotional feelings were respected at all times and they were given the necessary dignity and respect they deserved. Their anonymity was guaranteed because they were convicted for crimes of corruption or were alleged to be involved in corruption. The researcher explained to the participants all aspects of the study and all participation was voluntary. The consent of each participant was obtained first before the interview and recording of the conversation. The above mentioned five criteria in 4.5.1 to 4.5.4 were respected and the participants were left with no expectations that could not be fulfilled.

Before the research began the researcher made sure that permission from the gatekeepers for the various institutions were obtained and the consent form signed by the participants. Unisia’s policy on research ethics supports all issues raised by United Nation Educational, Scientific and Cultural Organisation’s (UNESCO) policy

involving human participants in research. The research committee established by UNISA fulfils its role in ensuring the research complies with the applicable and relevant ethical principle (UNISA Research Ethics: 2007). UNESCO places a priority on high standards of integrity, responsibility, and accountability in research and this was also factored in (Guchteneire, 2016). The UNISA ethical clearance certificate is attached in Addendum 3.

#### 4.7 Challenges in conducting the study

The term bracketing is used when researchers set aside their own experiences. Bracketing means parenthesising and putting in brackets the various assumptions that might stand in the way from opening up access to the living meaning of the phenomenon and in this study the researcher conscientiously made efforts to bracket his knowledge and experience he gained as a police officer regarding corruption (Van Manen, 2014).

The researcher has 37 years' experience as a police official in the SAPS and worked in the earlier years of his career in visible policing, he performed investigative duties and was in charge of shifts in the reliefs. When the researcher was promoted to an officer at a young age he was appointed the Station Commander of a small station, and thereafter he commanded four other bigger stations as the Station Commander. After that he was appointed on a higher level as the Cluster Commander. The researcher served in every rank in the SAPS from the level of Constable until the present rank of Major General. During the course of his career the researcher witnessed and had many experiences in the manner in which corruption is committed by police officials. The researcher was sensitive and aware of his experiences and paid vigorous attention to his biases and refrained from giving participants his opinion on corruption. Although the researcher was exposed to corruption contexts through the course of his work as a police official, he had to set them aside in order to bring into view the everyday practices of the views and experiences (Creswell, 2013; Denzin & Lincoln, 2013).



In this study the role of the researcher as the main data collection instrument necessitated the identification of his personal values, assumptions and biases at the outset of the study. The researcher's contribution to the research setting was useful and positive rather than detrimental (Creswell, 1994). The researcher made every effort to be aware of biases and reported them eagerly, however these biases may have shaped the way the researcher viewed and understood the data collected and the way the experiences were described (Creswell, 1994). The researcher was unable to be detached from the study as he was part of the research interviews. In order to further decrease the researcher's opinions and experiences it was necessary to make use of a tape recorder as well as field notes.

The field notes and the recordings of the interviews prevented biases from occurring in the beginning of the research. The researcher's knowledge of his experience about how corruption occurred in the police was prohibited, as the recordings were transcribed verbatim. The researcher's experience as a police official and his recently being promoted to the rank of Major General and appointed as the Cluster Commander of Johannesburg Central has made him more aware and sensitive to the way corruption is committed in the police. Therefore particular attention was paid to the biases and the researcher refrained from influencing participants' viewpoints and perceptions in the categorising of themes and the report writing.

The nature of the semi-military rank levels and the command structure within the police as an organisation made it difficult to research the topic. It was not easy to interview these officials as the researcher was a Brigadier in the South African Police service at the time of the interviews. The difficulty was exacerbated by the participants' fear to implicate their colleagues in the commission of crime and corruption. Many of them feared for their lives, explaining that the corruption was so well organised that they could be victimized or be killed. The challenges of

winning the trust of the participants became very demanding. What aggravated the situation even more is the fact that at the time of the research the National Commissioner had taken steps to dismiss all police officers who had previously been convicted of corruption or any crime. Participants regarded the timing of the interview with distrust.

This complicated the problem as participants knew the researcher and was initially afraid to talk openly. The researcher accepted from the beginning that the study was a process and he had to use his common sense. He was patient and calm and spent time to know the participants and the cases in which they had been involved. The researcher told the participants a little about himself and the study. He showed them that he 'wanted' to be the learner in this situation and this contributed to the trust building in the research process. The relations developed and modified with time, and those that ignored him in the beginning accepted him with time. The researcher also made no promises to exonerate the participants for any crime committed (Cohen, Manion & Morrison, 2013).

To research this topic regarding the reasons why police officials commit corruption, the researcher had to gain sufficient trust of the participants to illicit honest responses. The researcher had to build trust with the participants and assure them anonymity and engage them for prolonged periods without promising them anything in the interviews he had with them (Creswell, 2013). This was done prior to the interviews in an informal discussion to break the ice. However, the researcher gave all the participants a letter in which he expressed his appreciation for their contribution to the study of attempting to solve the social problem of police officials' corruption. Honest, in-depth testimonies from police officials involved in corruption provided the ideal foundation on which to build reliable research towards understanding the reasons why police officials commit corruption (Faull, 2007).

#### 4.8 Summary

The chapter described the research design and research method used in gathering the data regarding “why” police officials commit corruption. This chapter presented the method of population sampling and selection of participants, the method of gathering the data and methods used to code and analyse the transcribed data. Furthermore, the methods to ensure trustworthiness, ethical considerations, and challenges of the study were provided. The findings of the transcribed and coded data will be described in Chapter Five and “*in vivo*” quotes will be utilised.

## CHAPTER FIVE

### 5. A DESCRIPTION OF THE FINDINGS FROM THE STUDY

#### 5.1 Introduction

The prevalence of rumours of corruption and corruption-related crimes in the SAPS affects the image of, and makes it difficult for the police to prevent crime. The persistent allegations resulted in the removal of two National Commissioners of the SAPS. Moreover, the problem is exacerbated when junior police officials commit corruption and they are arrested in full view of the media. The corruption in the police is complex and there are many challenges to supervise individual police officials, which create the need for continuous research in the SAPS. It is important that all police officials provide assistance in the quest to eradicate the corrupt tendencies of police officials.

In this chapter the research findings will be described. The findings are derived from the transcribed interviews of the participants. The participants constituted a sample of 18 adults. Seven of the participants are police officials working in the SAPS. Three of the participants are suspended police officials, and eight of the participants are incarcerated former officials. The seven employed officials are marked P 1 to P 7, the three suspended officials are marked P 8 to P 10, while the eight incarcerated former officials are marked P 11 to P 18. The findings follow the sequence as illustrated in a summary marked table 5.1., and summary of major themes and categories.

Table 5.1 Summary of the major themes and categories

High incidences of corruption and corruption-related crimes involve all levels of police and legal forces.
<ul style="list-style-type: none"><li>• Corruption among all levels of the police</li><li>• Reservists</li><li>• Other government departments and law enforcement agencies</li></ul>

Multiple factors in the policing context which contribute to corruption and corruption-related crimes
<ul style="list-style-type: none"> <li>• Motivation to join the police and misuse of power.</li> <li>• Fear of retaliation.</li> <li>• Temptations and opportunities abound</li> <li>• Greedy nature and financial constraints.</li> <li>• Social and Peer pressure</li> <li>• Workload and supervision: problems go unaddressed</li> <li>• Role of the court</li> <li>• Community involvement.</li> </ul>
The different forms of corruption.
<ul style="list-style-type: none"> <li>• Money.</li> <li>• Gifts.</li> <li>• Manipulating the system.</li> <li>• Coercion and intimidation: Threatening the person to give evidence against policemen.</li> </ul>
Dynamics resulting from corruption and corruption-related crimes.
<ul style="list-style-type: none"> <li>• Providing the offender permission to commit the crime.</li> <li>• Negative emotional responses leading to stigmatisation.</li> <li>• Being set up.</li> <li>• Corruption becomes normalised and sanctioned.</li> </ul>
. Anti-Corruption Mechanisms

Table 5.1 depicts the five main themes that were identified after analysing the data. The themes represent high incidences of corruption involving all levels of police and legal forces, multiple factors in the policing context which contribute to corruption and corruption-related crimes, the different forms of corruption and corruption-related activities, dynamics resulting from corruption and corruption-related crimes, and anti-corruption mechanism to prevent corruption. The themes and categories that emerged will be described and linked to verbatim quotes from the interviews.

After analysing the data five main themes were identified. These emerging themes were described and enriched with *in vivo* quotes. The themes which emerged are:

the high incidences of corruption involving all levels of police and legal forces; multiple factors in the policing context which contribute to corruption and corruption-related crimes; the different forms of corruption and corruption-related activities, dynamics resulting from corruption and corruption-related crimes, and anti-corruption mechanisms to prevent corruption. These will be described below.

## 5.2 High incidences of corruption and corruption-related crimes on all levels of the police

The high incidences of corruption involving all levels of the police and other legal forces are described by the participants. The participants said that these offences are committed by police officials, by the reservists, and police officials in cooperation with other legal entities, such as South African Revenue Service (SARS), the Department of Home Affairs (DHA) and the NPA.

### 5.2.1 Corruption among all levels of the police

The participants described the involvement of police officials in corruption on all levels, and this corruption happens among junior officers, supervisors, and at senior management level. Some also went into detail, mentioning the ways in which the corruption occurs, stating that corruption is rife and that police officials go to work with the intention to collect money illegally. Police officials lack interest to perform their normal work and have their own objectives to make a certain amount of money. Some said that the higher one is in the organisation, the easier it becomes to commit corruption which is made acceptable and the system is exploited to their own advantage. Money is taken in small amounts from people who committed crimes and also from drug dealers to avoid arrest and prosecution.

*P 10 "It is a daily thing it's like normal for them I come to work I go to house number 1, collect my R20 go to house number 2, collect my R20 its normal."*

*P 3 “They go from one point A to point B, from point B to point C, collecting money that cold drink. They say it is cold drink. They are collecting and collecting. So this is how corruption is done because actually police officers they were supposed to be doing their job anyway”.*

*P 3 “You can see this people are actually not here to work, he’s not here to serve the community actually. They come with that in mind that when I knock off today I will be okay if I see myself going home carrying something like R 1000 or R 2000 then I’ll know that I have worked for today.”*

*P 9 “The corruption in this police is too high”.*

*P 15 “The corruption is in the highest, you get used to it and that now is lawful because you don’t get caught then you go bigger and bigger and higher”.*

The above quotes indicate that police officials systematically enrich themselves by planning their corruption with colleagues, making this into a habit. Eventually these actions become part of the system in policing up to the point where these are described as normal and lawful. Taking this money is illegal and unlawful, because police officials earn a salary from the SAPS. They are aware that their actions are unlawful and therefore are afraid to get arrested for the corruption. The police travel from street to street, gathering money instead of performing their duties of enforcing the law. This means collecting small amounts of money on a daily basis leads to a habit of living a corrupt life.

In the following quotes the participants described the activities of prominent drug dealers in renowned areas, paying large amounts of money to senior police officials and specialised units as protection fees. Police officials at all levels allow drug dealers to continue with their illegal trade in exchange for cash. They further indicated that the drug dealers are committing bribery to let their illegal trade

flourish and the police are willing to accept bribes from these dealers. The police officials pretend as if they had seen no drug trafficking.

*P 3 "So even the police who has never seen that dealer, in drugs he will go there in the morning and park there he will come and throw the money in the car"*

*P 10 "You will see the unmarked police vehicle pull up talking to the guys through the window and when it go and I check the vehicle it belongs to organised crime, now they are in the drug hot spot, nobody gets out of the vehicle, somebody will just come out of the house and greet them, the indication for me was that somebody somewhere was getting something if it is money, drugs I don't know."*

*P 10 "The main guy that is selling drugs they have police officers that are on their payroll because the reason it's for them to run the business smooth, they pay the people upstairs, the big shots in the police to make sure that everything they do can run smoothly for them. If there is any hiccup with some of the constables on the ground level they got somebody on the top that can sort it out for them."*

*P 10 "Senior officers that I know personally they get brown envelopes, but specific people get the brown envelope." P3 "The brown envelope in this brown envelope they will say there is money maybe there is R10000 they call it protection fees."*

*P 17 "There are actually policemen can get close to R100 000, R250 000 pertaining to corruption itself. As I said and especially were you find this is in your drug cases. In your drug related cases where you get people like (name kept anonymous) and there are reasons that I can say that as well".*

These quotes illustrate the way offenders give envelopes containing money to senior officers and the devious methods used by drug pedlars to hand over



money to police officials, corrupting the police. This means that corruption is committed by senior officers and juniors colluding with drug dealers and pedlars so that drugs can be sold freely on the streets by these dealers, without any risk of being apprehended.

### 5.2.2 Reservists

Reservists are individuals utilised by the police service, recruited to work on a voluntary basis for the police in a specific station area. The participants said the reservists also take money from the public. This money is taken boldly without any fear of being arrested and these criminal acts are performed in front of permanent members.

*P 4 “You see the reservists they are not earning anything they just come to work and they will tell you stories”. “The reservist also collect money and they will tell you will not do anything because you cannot prove what is this money for, then they will say you should feel for us because you know very well that we are just reservists and we are not earning any income and this is the way of making a living. It is our way of making a living.”*

*P 5 “The lifestyle is more or less the same I said because specifically themselves they don’t earn a salary but they are driving cars maybe they are eating more than I do, we know that they don’t get a salary and how they are going to maintain that level, the reservists are working consistently everyday“*

*P 6 “Reservists proceeds with life getting money from the people. Those people they got more information than active cops and they can come back to active members, they say neh man I got this information, I know this type of man is staying here and he’s got this and this and this lets go there. He just wants to get the active member to assist him so that he can get the*

*goods or the loot, it can be money, and it can be stolen goods that is what is happening.”*

Reservists work long hours and they are, according to the participants, involved in plundering money from the community that they serve. They then request permanent members to sympathize with them since they do not earn a salary.

They are unemployed, not earning any salary from the police and on the other hand own vehicles and live beyond their means. They work seven days a week and for the whole month. Participants wanted to know the level of commitment of someone who works voluntarily and for free, every day of the month. According to the quotes the reservists are susceptible to corruption and appear to be corrupted.

### 5.2.3 Other government departments and law enforcement agencies

There are other government departments that perform law enforcement duties in their field of work, for instance the SARS, the DHA and the NPA and they function independently from the SAPS. The SARS investigates people for non-payment of income tax, custom and excise duties. The DHA investigates all illegal immigrants and scrutinises their documents, among other functions done by Home Affairs. The above-mentioned bodies work in partnership with the police for their own safety and the police have the power to arrest and investigate. The mentioned duties must be performed together with the SAPS and when this partnership functions effectively, the evidence in the cases of tax evasion is much stronger. The participants in this study implicate other government departments working jointly with the police to commit corruption.

*P 4 “You might find that most of the case they are SARS members they are involved in the corruption with the police, sometimes if the Ethiopians*

*doesn't want to pay the amount of money they want, they will take all of his stock and they will sell it to other Ethiopians".*

*P 9 "In cases where members confiscated illegal cigarettes "Dullahs" SARS took it out, because it falls under them. Not even a week after that they came and booked it out. All the cigarettes they came and booked it out and he got it back. The guy you know he told me you can arrest me you can do that but by the end of the day, you a lightie, I'm small. I asked him what you mean I'm a lightie. He told me no you still a lightie. I'm paying big people you are still small.*

Participants described the way SARS officials and police officials jointly commit corruption. Together they target foreign business owners by examining their products in stock. If people refuse to pay an amount of money their merchandise will be taken by these officials. The police officials work with the SARS officials to commit corruption by enforcing tax laws in an illegal manner.

An example of the modus operandi of this type of collusion is that the police official detains illegal immigrants for possession of invalid identity documents. The Home Affairs officials are called in to validate the papers. The person is released even though they fail to produce a passport. The arresting officer is informed that it is a serious case of human trafficking and the matter will be investigated from there on, nevertheless nothing is done. The foreigner is relocated after receiving information from the police.

Some mentioned that foreigners without valid South African passports contribute to corruption because it is easier for the police to take a bribe from an undocumented immigrant. In the following set of quotes, participants describe corruption by the police and Home Affairs officials.

*P 10 “We called in the guys of home affairs to come and check if the paperwork was valid. We took them and went to Home Affairs they checked and said that all the papers are valid. I asked them a question why don't they have their passports. They said that's human trafficking that's another process but they will take it from there, not even one week that people they moved out.”*

*P 2 “If the Home Affairs structures were doing a good job you wouldn't have the problem of having a lot of illegal immigrants here in Policing Area “A” that you find having in possession of papers that are not legal that are fraudulent to be precise and as a result that puts a big strain on policemen because you find that these people that are here put every body's lives in danger if they are offenders because there are no records of them that are proper and yet because they were able to bypass the home affairs system and everything and also now extends to the SAPS and we have to clean up the mess that Home Affairs did or the Home Affairs department and the government is not really taking serious concern of, so to elaborate further the police end up feeling they have to actually take a bribe because nobody is doing anything about it in any case so they feel they have to take a bribe.”*

The police officials work jointly with the DHA officials to find foreigners and illegal immigrants, and money is subsequently extorted from these foreigners for being illegally in the country. This implies that corruption takes place jointly by the Home Affairs and SARS officials. It further appears as though there is a sense that the corrupt practices are so engrained in the process, that no one can actually put a stop to it.

The following quotes describe the ways in which cases can be closed in court without any prosecutions and money is taken for the closure of the docket.

*P 10 "The case has been withdrawn from court, that was the Friday night we working, as we started our shift I wanted to know what happened to my case, when I went I started checking the system the case was thrown out of court."*

*P 17 "You see in a case like that the reason I'm saying so is that you will find that certain case that go to this prosecutor and no matter how solid your case is, you will find the case is always, postponed, postponed it's as though the prosecutor knows that the case keeps getting postponed the magistrate is actually going to get upset and strike the case of court roll, now the prosecutor and the investigating officer are in cahoots with each other, it's a simple thing if the guy is not in court how come the prosecutor did not contact the commanding officer to ask him how come this docket is not here constantly."*

*P 2 "That money can be shared and also with the Prosecutors".*

The participants said that the investigating officers are in cahoots with the prosecutors to close criminal dockets as being withdrawn. In some instances when the docket with sufficient evidence to prosecute fails to be brought to the court the case docket is struck off roll and the offender is released with the given reason, 'case withdrawn'. After the case is closed the police share the money with the prosecutor, meaning that there is collusion in the corruption act between the police and the prosecutors.

The themes above point out that police officials plan their corruption with their colleagues and take small amounts of money and leave the offenders to walk free. Offenders and drug pedlars give money to juniors as well as senior officers so that they can go on with their illegal activities without the risk of being arrested. Some of the participants indicated that the reservists also appear to be corrupted as they

work the whole month without earning a salary and when seen committing these corrupt deeds, police are asked to sympathise with them.

Corruption is committed by police officials irrespective of the rank level and seniority they have within the SAPS. The reservists who volunteer their services as police officials also view the opportunity to commit corruption as a way of making money. Other government departments have expertise to deal with certain aspects of law enforcement within the CJS. The SARS, DHA and NPA should be supporting the police in apprehending offenders and convicting them, but instead they connive with the police officials to commit corruption. The next theme to be described is the multiple environmental factors that contribute to corruption.

### 5.3 Multiple factors in the policing context which contribute to corruption

The participants identified multiple factors contributing to corruption. The factors relate to personal circumstances that inspired the people to enlist into the police and also include the internal and external environment in the police. The factors discussed are the motivation to join the police and the misuse of power in the police, fear of retaliation, temptations and opportunities abound, greedy nature and financial constraints, social and peer pressure, workload and supervision, the fact that problems go unaddressed, the role of the court and community involvement.

#### 5.3.1 Motivation to join the police and misuse of power

The participants indicated that some officials join the police for their own ambition. Some say they were inspired to join because of a lack of job opportunities and a need for a job. Some police officials were determined to earn some money and strived to join the police.

*P 6 “Actually it was not my career, it was not my dreams. It only came as a quick job to me because of my laziness I ended up working here”.*

*P 12 “Studied in Limpopo then completed my standard ten, then after that I came in Gauteng to further my studies. I’ve done an electrical engineering, N6 at Johannesburg technical college and then from there after completing my studies I looked for a job. Unfortunately I didn’t get my engineering job or something like that. Then I applied for that job, the SAPS job”.*

*P 5 “Social problem, you must remember that we are different family background whereby other parents are poor couldn’t take their children to the higher academy from their school and when it is time now that in the family they haven’t got anything or good standard of living is not that good. Now you find out that myself from the poor family I start doing something wrong just to make money out there so that I can improve my life, I can improve my family life to a level that it will be the same as some body that is earning more, who is more educated man, is driving a Mercedes”.*

The above-mentioned quotes indicate that some police officials lack the necessary loyalty and commitment required to be an outstanding police official needed to serve the community needs. A police official has to really be motivated to make policing into a career. They should have the passion to serve the community when they enlist into the police. Participants described that they are from poor family backgrounds and that they had a desire to improve their lives by making money. They did not join the organisation because they had an ambition to be a police official. They found a quick fix for themselves as a result of lack of job opportunities and they had no ambition to become a police official. It means that some people joined the police for ulterior motives to enrich themselves by means of corruption.

Community members know that the police wield much power. The power of the police consists of the authority given to them by the law, their knowledge of the law, and access to police resources like vehicles and cells for detention. The theme discusses the abuse of authority by police officials. The participants said the supremacy of the police is exploited as they are in a position to abuse this power.

*P 16 “Well in my opinion corruption in the police and stuff also because you have the power, given the authority to be in charge of the public, P16 “you have the power to intimidate someone.”*

*P 1 “Its abuse of power because as a policemen there are power that you have been trusted by the state. That you have a right to stop a vehicle, to search and if you find a person that have done something wrong then their freedom ends there and you have a right to arrest.”*

The above quotes indicate that police officials are in a powerful position with an abundance of authority. They have the power to decide whether to arrest or to take money for the release of the offender. The power entrusted to police officials are used to intimidate the people for money or to arrest an individual. People do not want to be incarcerated, therefore they give the police official the money; clearly indicating that excessive power leads to corruption.

### 5.3.2 Fear of retaliation

Police officials fear harassment from community members who are involved in crime and especially those that are arrested. The duties performed by police officials create anxiety and panic in them, particularly for the vengeance from those that have been arrested. Police officials fear that retaliation for the arrest of the offender can endanger their own lives.



*P 6 “You continuously arrest him he will end up planning something for you. Its either he’s going to hurt you, kill you or something else because you are the only one that is hunting him on the street.”*

*P 8 “Either you take the money or you die” you are disturbing my business, so I must get rid of you.”*

*P 10 “He was so scared he told them no I want nothing to do with this case. The only thing he found, just sign here the withdrawal statement was written already. He just had to sign the withdrawal statement.”*

*P 6 “The investigating officers they also tell the offenders, if the offenders say, man look I can give you money then let’s deal with this docket. They can even tell him that if you can remove Mr X the case is easy for you because Constable Y is the arresting officer. How are they expecting from the offenders, they will kill you?”*

From this set of quotes it can be deduced that police officials perform their duties burdened with a fear of the offender. They are afraid that once the offenders are released from prison, or if the offenders win their cases in court, they may be killed. Cases are even withdrawn due to fear. Also they are aware that their names and address are divulged to the offender. The fear of being harassed and killed also leads to corruption, as the corrupt police official accepts money to provide the name and addresses of the witnesses and the arresting officer in a case docket.

### 5.3.3 Temptations and opportunities abound

In some communities it is even an accepted practice to bribe a police official in return of being released from detention. Police officials thrive on the offers and their desire for money. They are enticed with money given in abundance by the

offenders. Money is readily available to the police official in return for the release of the offender.

Police officials take advantage of the situation and prospects of money readily available by the offenders. Money and property are freely available to the police from offenders, the community and undocumented immigrants. Offenders refuse to accept liability for money found in their possession, making it easier for police to steal the recovered money.

*P 16 "You see opportunities and the opportunities are always there and the public offers you the opportunity".*

*P 15 "Then "you see this robber doesn't know about this money when we got the opportunity then we can hand in any amount we want to the worst thing is the police share it among themselves".*

*P 15 "The opportunity for the police was you couldn't arrest the robbers at the same time then you arrest them one by one then everybody got his share so one thing for sure no robber can say I have robbed they always deny".*

*P 4 "The accused or the person that you have suspected of committing the crime. so he has to generate the opportunity and he feels that well, you never hear people actually being caught for corruption, so let me try and bribe the officer catching me and if this officer would say no!-no!-no!"*

*P 10 "There is a lot of risk there is a lot of temptation and let me say 80% of the people fall for the temptation"*

*P 6 "When he meets with the police men, he stopped himself before you can even stop him. He comes to you shake your hands and give you the money and walk away, so he's free and he is no longer being searched, he can do whatever he wants."*

*P 8" I would say temptation in a way, explaining it maybe in simple terms, I would say that you get tempted at the time the person is offering you something and at that time you've already, maybe spent the whole salary that you have, then you get tempted to take the extra money".*

*P 15 "Temptation you know because you come with the money about R500000 and say take the money"*

The duties of the police official are largely unsupervised and when they come across an offender who offers them money they are willing to take it. Whenever an offender is arrested and brought in for questioning they deny they had any money in their possession. These scenarios and situations create opportunities for the police to be corrupt.

The participants suggested that in police work and when dealing with offenders they are offered lots of money. Police officers find themselves in situations where they are enticed by the money offered by the offender. The participants said that large amounts of money are given to them and a large number of police officials take the money since they would already have spent their salary before the month end. This is an indication that police officials live beyond their means, fail to budget properly according to their income, are indebted and fall for the temptation of corruption by offenders who follow a lavish lifestyle.

#### 5.3.4 Greedy nature and financial constraints

The luxurious lifestyle, wants and desires by the police exceed their middle class standard of living which they will be able to afford on their salary. Police officials then become greedy due to their excessive need for materialistic things and for money.

*P 8 “No it’s not like we do need the money we take it for fun or greed. It’s like you want everything on your pocket.*

*P 10 “It’s like financial lust.” If I can buy a BMW because all the money that I am getting from the side line it makes me qualify for a BMW”.*

*P 1 “For the weekend if you are drinking or you like to entertain to go and do anything you got a nice pocket, R500-00, which you know that you did not sweat for it” “police officials commit corruption because of financial lust”*

*P 17 “Greed will always be, in fact greed will always be the only factor that promotes corruption because everything boils down to greed to money”.*

From the above quotes it appears as though greed is one of the main contributors to corruption. The participants acknowledged that their greedy natures directly contributed to deeds of corruption.

On the other hand the participants said they have many financial constraints as a result of the high cost of living. Financial constraints involve monetary limitations and restrictions. The participants explained that their expenses are difficult to meet since they earn low salaries. The low income restricts their spending ability to cater for their families’ living costs.

*P 2 “When I see that person supplementing their salary through corruption I’m actually bound to actually follow suit and also commit corruption”.*

*P 9 “Like if you got maybe four children and then at school and then you earn about R9800-00 gross something like that and then after that you pay a bond house how much is that, you pay a bond house, you pay transport for the children, your transport to go to work again, the food at house.”*

*P 7 “They are not earning a lot of money that is why they are doing these things. Lots of the policeman they got too much of loan. They want to shine with the other people, maybe to say I got a nice car I’ve got a nice house you see and they cannot afford to pay that house”.*

Some police officials claimed that they are greedy while on the other hand, others stated that they have serious financial constraints. Participants explained that they live beyond their means with full knowledge that the police earn low salaries, so they have to supplement their income by illegal means. They spoke about the high cost of living and the many expenses to maintain their families. They also obtained many loans to maintain a lavish lifestyle and in addition they have extended families to take care of, resulting in them being corrupted to finance their perceived shortages in income.

#### 5.3.5 Social and peer pressure

The police develop partnerships and healthy relationships with the community, thus establishing good and friendly interactions with the people they serve. The police working with the community find it difficult to differentiate between offenders and law-abiding community members. These friendships may create some sense of obligation when they unknowingly choose offenders as friends rather than decent community members which becomes a problem when it leads to helping the offenders and not the good people. Therefore the police are sometimes socially bound to allow offenders to get away instead of making an arrest. These social friendships sometimes bind the police.

*P 5 “So most of us police officers are friends to the offenders, active members they know them friends with the offenders you find out that most of the cases they wash their hands by giving them something so that when*

*they see them doing something wrong they must not have them arrested. So they make friends”.*

*P 6 “You end up becoming friends even if he stole or he damaged something he gives you something and then he walks away.”*

*P 2 “You know, a policeman can even share a certain amount of money with the complainant. The complainant says I want this guy arrested for doing this to me but if you can get R2000 out of him I’ll give you a thousand rand, it has happened so many a times.”*

*P 6 “Something I can mention maybe he buys you a lunch as long as you are in work or wherever he meets you he will buy you lunch and he becomes your friend. Even if he’s carrying something that is illegal, he will only greet you and give you R100”. “like if the guy is stealing vehicles then I arrest him, next week I meet him with the very same crime I arrest him again and I continuously arrest him, I end up talking to him, my friend what you are actually doing is wrong then we become friends and he give me money so he walk free with the stolen vehicles”.*

*P 13 “So I said guy I will only help you for this now because my intention is not to become an offender my intention is to become a policeman as I worked before all the station”.*

The offenders are arrested so many times and they are well known in the community and among the police. Their friendships oblige the police to take money and some kind of gift to release them when they have committed a crime. The police official performing crime prevention duties find the offender driving a stolen motor vehicle or some offenders committing a crime, but the friendship influence the police to take the money offered, leading and contributing to corruption.

While interacting with the external environment and being influenced by the social pressures of life internally, the peers also place pressure on their colleagues to live up to a high living standard which is beyond their means. Police officials place one another under immense pressure to collect large amounts of money while on duty. They forcefully encourage and provoke colleagues to purchase expensive items of clothing and jewellery. They look for motives to commit corruption.

*P 16 "Let's say if I'm driving a 1995 Toyota and you driving a 2014 BMW the pressure of trying to keep up with life or to move with the times and the old policeman".*

*P 4 "You got to be within and drinking a R1500 bottle of Chivas Regal when they go to the party. It's kind of keeping up with the Joneses".*

Many police officials lack self-discipline when it concerns controlling their finances. They are driven to own expensive items because of peer pressure and competition with one another to own and use expensive material things. Some police officials go all out to show off their financial clout to their colleagues, even though the additional income is gained illegally through corruption.

#### 5.3.6 Workload and supervision contributes to problems going unaddressed

The participants mentioned that the person in charge has a heavy workload resulting in no time for minor issues. The police officials under their command have many tasks to complete after executing an arrest. This heavy workload compels the commanders to concentrate on attending to crisis situations. The junior officials that are mostly causing problems are left unattended and are not sufficiently mentored.

*P 1 "So the policeman may be busy on the street, because when you arrest someone you take him to the back of the van and when you arrive at the*

*station it's paperwork that must be done". "You were supposed to arrest him you saw something wrong with him but you don't arrest him. Instead of arresting him you say go and fix your thing".*

*P 10 "You expect one person to supervise all the 24 to 30 people", "higher management didn't really address this problem".*

*P 18 "The pressure of working long hours, doing lots of work and after that they are being underpaid. There is no money in the police".*

Some participants explained that opening a case docket for the arrest and detention of an offender involves too much administrative work and it is time consuming. Also the police official has little time to spend on the opening of a docket. They also reported that the supervisors have a heavy workload so it will be highly improbable that management will monitor their work. The busy schedule of police officials to attend to problems and the inadequate supervision of the junior officials result in corruption.

### 5.3.7 Role of the court

The courts have to ensure that the offender justice system is carried out in a fair and just way. Police officials investigate the case and present the docket to the prosecutors while prosecutors must assist in improving the investigation. This is done by giving guidelines regarding the evidence that is needed for a successful prosecution.

*P 2 "You arrest a person and put everything that incriminates the person, proper evidence, that is supposed to find the person guilty of the crime and the very same person you receive the docket back as a detective then you find that that the person is let out. That thing is very discouraging because*



*there is a lot of crime that happens in courts and it's not reported on as much as the police offender activities, those things are very discouraging".*

*P 6 "You can arrest a guy for four times for the very same crime when he gets there he pays and he gets out and then when you meet him again, you arrest him, the courts they don't do anything about that".*

*P 17. I know for a fact especially where you find a lot of hijackings where you get guys working hijackings you find a lot of guys that are known fact hijackers but you'll never get them caught, why and there's cases against them because the dockets have gone missing and you will never find them and vital evidence that's in dockets are missing and without that thing there you know for a fact even if you make a duplicate docket and you go to court you know that case is going to be thrown out of court".*

Police officials have become despondent with the courts and the way offenders are released without any conviction. Some feel that they have a good case which can get a conviction, but the offender is let out. Offenders often connive with investigators and prosecutors to weaken the case in exchange of money and police officials are aware that these acts constitute corruption.

### 5.3.8 Communities' involvement

An act of corruption has to have two parties involved in order to constitute the crime. In police corruption the police will be the one party and the community the other. The participants reported that there are certain sections of the community that are willing to build a social relationship with the police based on common interaction over a period of time. The good relations may lead to negative cooperation between the police and the community. After establishing this relationship of trust, the communities encourage police officials to be corrupted.

*P 1 "It takes two to "tango", because for someone to be corrupt it involves another party, which is here the community. The community are also playing a part in corrupting the police"*

*P 16 "It must take two to tango but it starts from the public first". You say this guy who you stop now at the roadblock, he has done something wrong this community member".*

*P 9 "It's some people that corrupted the police, the people they know they are wrong, there's one of my friends and he owns a shebeen and he don't have papers and the police are always there my friend he give R100".*

*P 1 "It takes two to tango, because for someone to be corrupt it involves another party, which is here the community".*

The service rendered by the SAPS is to serve and protect the community. While working in that community some of the residents commit petty or serious crimes. The end result will be that the communities corrupt the police so that they refrain from performing their duties. The communities should assist the police in preventing corruption by informing the SAPS management of corrupted members. It is clear from the above quotes that communities want to evade justice and the police officials take the money because there is a voluntary partner to commit corruption.

This means that offenders from within the communities are also involved in the corruption with the police as it is encouraged by them to pay the money illegally to the police to evade justice. The police will remain corrupt and the corrupted police will thrive on this if the tendency by offenders to provide the money willingly and freely is perpetuated. The perception is created that some communities are characterised by certain individuals' involvement in crime who want to continue with these illegal activities. These offenders will keep the police corrupted. These

acts are carried out to evade arrest and continue with their criminal deeds, but at the same time they corrupt the police, thus making the arrest of a police official for corruption very difficult.

#### 5.4 Forms of corruption and corruption-related crimes

There are different ways, habits and practices that police officials employ to commit corruption and corruption-related offences. These practices and arrangements achieve the common purpose of taking money and satisfying their financial greed. The participants described the different forms of corruption according to their experiences. The forms of corruption mentioned are money, gifts, manipulating the system, coercion and intimidation. The various forms of corruption will be described next.

##### 5.4.1 Money

In this theme the participants focused on describing ways in which police officials take money from offenders, and drug dealers. The police receive money from the people who are supposed to be arrested and taken to court to face the charges against them.

*P 2 “if I have to work outside and we arrest somebody and there's 3 of us in the vehicle and 2 of the members actually want to take the money and that money is R900.00 that the person whom want to arrest is offering it would mean that it has to be cut in each equal amounts so its R300, R300, R300, so if its R300 a piece I'm included in that R300 and it's difficult for me to say eish!”*

*P 3 “So in the police when you report on duty they come with that mind that of today I really want to see myself going home maybe having something like maybe R2000 in my pocket. That R2000 will be in the form of corruption”.*

*P 6 "he gives me money so he walk free with the stolen vehicle"*

*P 12 "If you find an illegal immigrant without a valid document then they ask them to pay R50, R100 or R200 it will depend".*

*P 5 "I want to supplement my salary with extra money that I will get somewhere through corruption".*

*P 3 "The person comes to the vehicle is the drug dealer he gives the police officer something like R200".*

The participants said that offenders give money to the police in order for the police to go away and leave offenders to continue with their devious actions. Police officials specifically choose to patrol in areas of drug dealing and in these drug trade areas they stop their police vehicle and the drug dealers approach and give the police money. This means that the police fail to perform their tasks of apprehending offenders since they are concerned with making money illegally. The police officials report for duty with ulterior motives of making extra money to financially enrich themselves through corruption.

#### 5.4.2 Gifts

In this theme participants described how offenders befriend police officials. The offenders' actions involved giving gifts to police officials. These gifts are unlawful and are often in the form of a lunch. Some gifts are in the form of expensive alcohol and other beverages. Sometimes businesses offer police officials 10% of the money recovered as a gift.

*P 6 "Whenever he meets you he will buy you lunch".*

*P 11 "They can also give you gifts, they tell you that they have a promotion come. Like Hennessy when you come they give you a bottle".*

*P 15 "I've been promised for every recovery of the money I will get 10%".*

Gifts are provided to the police officials in order to establish a friendship with them and this is formed purposefully so that offenders can commit crimes and prevent them from getting arrested. The gifts are small tokens and presents given and are the beginning of all the dishonesty which can continue and lead to larger forms of corruption.

#### 5.4.3 Manipulating the system

The main focus is the description of the manner in which case dockets and the command structures are manipulated within the CJS by offenders so that they can continue with their criminal deeds. The offender, after being arrested will involve a senior officer from the SAPS to interfere with the case docket. This interference will result in the offender being released or the case docket closed.

*P 2 "There's been many incidents of them being arrested and the arresting officers get a phone call that release that man".*

*P 6 "If I'm arresting a guy and then he's the station commanders friend, he will straight away call his friend the station commander and then I won't get a chance to put the offender in the cells".*

*P 14 " When there is stolen goods maybe those people of the stolen goods they know the seniors, then when you arrest them they contact the seniors, then the seniors come to you and say man what about those people man they just ask forgiveness".*

*P 15 "The senior management will call me and tell me those people are my men, they used to come with this plan that they are informers".*

*P 3 “You are trying to do your job as junior members so that this offenders can be locked up and so now as you are trying to do your job here comes the seniors and they intervene, they intervene it’s like they are tying your hands and you cannot do anything”.*

The above-mentioned quotes indicate that the junior members find it difficult to perform their jobs due to interference by their seniors whenever offenders are arrested. The offenders purposively maintain contact with the seniors so that when they commit crimes they get the necessary protection from high-ranking officials with whom they have a good relationship. The offenders, with the help of seniors, hamper the effectiveness of police officials. This interference can also result in offenders being set free and meanwhile the juniors monitor the situation carefully so that they can also do likewise. The informal system of manipulating case dockets favours the offenders to continue with their criminal deeds and corruption.

#### 5.4.4 Coercion and intimidation

The participants stated that witnesses in criminal cases are forced and intimidated to change their statements in the docket and these statements are important to the facts of the case. Others say that offenders are promised to be released when they change their statements and implicate police officers who made the arrests.

*P 6 “Some of the witnesses are being forced to rewrite what they have written in the docket”*

*P 16 “If someone came and told me to make a statement against you and they would not charge me then will do it”.*

*P 17 “A man still in an awaiting trial and if a policeman comes to say listen this policemen that arrest you stole money I’m going to withdraw the case against you no one is going to refuse that”.*

Once this coercion and intimidation has taken place, the evidence and facts against the offenders are destroyed and the facts in the dockets are altered to favour the offender. These changes of evidence in the case docket will immediately result in the case against this offender being closed. The offenders will be set free and released from the CJS through the corruption committed by all parties involved. This theme implies that offenders, with the corrupt police officials, threaten people to change statements and withdraw the criminal dockets for a sum of money, thereby committing corruption in the end.

## 5.5 Dynamics resulting from corruption and corruption-related crimes

Corruption leads to certain underlying forces, referred to as dynamics resulting from corruption. The themes that are clustered in these categories will be described as providing the offender permission to commit the crime; negative emotional responses leading to stigmatisation; being set up, corruption becomes normalised and sanctioned.

### 5.5.1 Providing offenders' permission to commit the crime

The authority vested in police officials to perform their duties of preventing and investigating crime makes it possible to connive with offenders and provide them with permission to commit crime. This permission is unlawful and illegal, however it is granted by those with criminal intent. The police do this since they can protect the offender and get them released from the offender justice system.

*P 4 "Have soldier boys that you can either send to intimidate someone because you as an officer can go there and say listen here your liquor licence is not up to date"*

*P 7 "They are hijacking the car and the other policemen are escorting those people to go there they are chopping the cars".*

*P 15 “ They used to give you money to become corrupt I came to you I got R5000 you can take R2500 give that man R2500 that man must organise a big robbery so we can have the money”.*

In the above quotes the participants revealed that offenders are provided with permission to commit crime. They do this to acquire extra money by unlawful means. The police official who was supposed to prevent the crime is now instigating and fermenting criminal acts and corruption for monetary gain.

#### 5.5.2 Negative emotional responses leading to stigmatisation

Some participants were embarrassed and described the extent to which they were affected emotionally and the departmental actions instituted by the police against them lead to stigmatisation and victimisation. They have negative feelings regarding the consequences which resulted from being arrested for corruption.

*P 7 “Those policemen took that gentleman and go and open a case, and that time I was feeling, I say why I cannot die because the people are saying that I am robbing the money and I’m working for 35 years in the police.”*

*P 16 “Someone comes and say ... is committing corruption because you are involved in that things automatically you put the stigma on me.”*

*P 9 “It’s not happy when you are at home and then have something illegal in your pockets or something that is illegal or something that is not good.”*

*P 18 “I heard about those senior officers and I feel very bad about it that our seniors are committing crime I was also a senior member.”*

The participants explained that they do feel bad about allegedly being involved in crime and corruption. They feel that they were stigmatised by their colleagues even



before any investigation of the corruption cases. They also experienced sadness to be involved in any illegal activity and felt embarrassed and guilty about their involvement in corruption.

### 5.5.3 Being set up

The participants described the manner in which they were framed. They stated that the departmental trials and dismissals resulting from the hearings of corruption cases are unfair. They explained that sanctions that are determined at the hearings are severe and biased, even if they are not guilty.

*P 9 “ The prosecutor of the hearing if you don’t go to them and speak with them maybe you are under hearing you are to speak outside that you are going to give them something”.*

*P 6 “You can be in jail without committing anything... at court you can walk free but in the police service surely they will dismiss you”.*

*P 11 “After he went through the findings of the hearings he’s the one who said because he can see in this case there is a personal vendetta”.*

The participants felt that the departmental hearings were setting them up and the cases were presented in an unfair manner. They stated that they may be found not guilty of the crime in a court of law, but will still be dismissed from the service. They felt that the entire departmental process is biased and favours management, even though there is insufficient evidence against them; implying that these investigations and trials must be done independently from the police.

#### 5.5.4 Corruption and its related offences become normalised and sanctioned

The participants believed that corruption becomes normal and that it forms part of their daily activities while performing their normal duties. To them it is a daily occurrence and they go from house to house to collect money. They are obliged to accept and take the money, which has become an ordinary practice to them. They even know that it is illegal to take the money, but they allow their colleagues to do it.

*P 1 "Most of the time corruption is not about getting a lot of money, a R10 is a corruption, a R5 is a corruption, members know that for a day I must stop five cars and if all these cars give me R20 that means at the end of the day I am having R100".*

*P 10 "I come to work I go to house number 1 collect my R20, go to house number 2 collect my R20, it's like normal".*

*P 17 "When you are working on the vehicles you stop a guy for broken tail lights he gives you R20".*

The participants regard the taking of money as normal; it is their everyday activity while on duty. The taking of small amounts of money is not regarded as corruption by them anymore. It is a normal life of a police official to commit corruption on a daily basis and it has become their way of life during their tour of duties. It is easy for them to perform corrupt acts unsupervised.

Police officials perceived the taking of money from offenders, drug dealers and other criminals as a common practice. They consider their actions as routine and a standard practice in their duties. The police official has no fear of arrest and continues to take small amounts of money from people.

## 5.6 Anti-corruption mechanisms

There are different levels of awareness relating to the anti-corruption mechanism in the SAPS. The level of knowledge of the anti-corruption mechanism known to police officials is determined by the rank level in the organisation. A junior police officer stated that they are unaware of any anti-corruption mechanism strategy. On the other hand the senior police explain that they are fully aware of the strategy. The different levels of awareness will be described further. The level of awareness for the anti-corruption strategy differs from person to person in the SAPS. Some participants who are unaware of the strategy said it is ineffective. Participants also explained that senior managers make them aware of the strategy, but on the other hand they do the opposite and commit corruption and corruption-related offences.

The strategies to prevent corruption were presented to most police officials employed in the SAPS. The presentation included one-hour sessions facilitated by the management information official as an awareness programme not to commit corruption. Contravention of the anti-corruption strategy will lead to departmental steps. It was compulsory for every police official, irrespective of the rank to attend these work sessions and awareness campaigns. Throughout the research it became evident that very few police officials have knowledge of this strategy. Only one of the high ranking participants was able to explain the strategy.

*P 4 "I don't know of any anti- corruption methods that are in place".*

*P 10 "You hear about it but it is not effective, because you got this big complaint about anti-corruption people go to the station and explain to the people what is anti-corruption what is the consequence of it but the person that come and explain corruption is in the same pot".*

*P 11 "So now which means even though they can be those workshops of anti-corruption everyone that is there, is there for money, it will be just like talking, sending out pamphlets, it won't make a difference".*

The participants' views differed on the extent to which their colleagues are aware of the available anti-corruption strategies. They explained that some know about the anti-corruption strategies, while others have no knowledge. Some who know about the strategies say they are ineffective. This implies that the police need to market these strategies forcefully and vigorously, targeting every police official to be sensitised. It must have meaning for all police officials to make the strategy effective and binding on every police official and deviations should lead to dismissals.

## 5.7. Summary

This chapter explained the essence of the themes and categories that emerged from the transcribed data of the raw interviews. It consisted of descriptions of the themes and categories and the *in vivo* quotes were presented with a clarification of the heading of each section. The following chapter of the research concentrates on linking literature that corresponds with each of the sections, themes and categories.

## **CHAPTER SIX**

### **6. A REFLECTION ON THE FINDINGS AND THE LITERATURE**

#### **6.1 Introduction**

The results from the transcribed data were reported in the previous chapter. This chapter is important for the study under review and will contain a reflection on the findings, linking the themes to previous research on corruption in police agencies. The deliberations in this chapter will describe the extent of other researchers' coverage of the specific and related matters. The main themes with subsections will be discussed in more detail namely, the high incidents of corruption involving all levels of police and other legal forces, multiple environmental factors contributing to corruption, forms of corruption, dynamics resulting from corruption and the anti-corruption mechanism.

#### **6.2 High incidents of corruption involving all levels of police**

The high incidences of corruption involving all levels of the police and other legal forces are illustrated with theory and other research. During the interviews the participants explained that this offence is committed by police officials, reservists, and police officials in cooperation with other legal entities. This theme will be explained in the following three categories.

##### **6.2.1 Corruption among all levels of the police**

Police officials at all levels make extra money by devious ways and these corrupt activities are usually organised with colleagues. The participants indicate that police officials enrich themselves by planning their corruption with partners and this becomes a habit. These actions become part of the system within the police up to the point where they decide they are legal. The taking of this money is illegal and unlawful, because police officials earn a salary from the SAPS. They are aware that their actions are unlawful and therefore are afraid to get arrested for corruption. The police travel from street to street accumulating money instead of performing their duties and arresting offenders. The participants described the way offenders

give envelopes containing money to senior officers and the conniving methods used by drug pedlars to hand over money to police officials making the police corrupted. This means that the taking of small amounts of money and committing crimes on a regular basis by some senior and junior police officials lead to a habit of living a corrupt life. Van Vuuren (2014) suggests that the Public Service Commission observed that the corrupt officials emanate increasingly from the senior level and therefore leaders must display high levels of ethical and moral standards.

Other researchers, for instance Punch (2009); More and Miller (2011) refer to a code of silence about the crime committed by police officials and it demands full and total participation by colleagues. *“It is the price of admission and accepting it, as all do, even those destined to rise in the ranks or who are already there, the seniors become tainted”* (Bouza, 2001). Even a brief glance at such places as Columbia and Mexico will demonstrate that the greatest current danger of corrupting the police comes from drug dealings that involve huge sums in untraceable cash (Bouza, 2001). Holmes (2014) states that the Japanese police has now become scandalous with incidences of high level corruption with disgraceful episodes involving drugs, blackmail and embezzlement that shamed police departments throughout Japan, including those in Nagasaki, Aichi, Kyoto.

Johnson (2003) explains that police agencies in Japan embezzle money from their budgets in order to create slush funds which are utilised to make corrupt transactions with senior police officials. A report of the Royal Commission to enhance the operation and management of the Royal Malaysia Police, uncovered that corruption has swept, in varying degrees, through all levels of the service. The Royal Commission found precisely that the following divisions were more susceptible to corrupt practices, namely traffic police personnel, investigating officers and their supervisors, detectives, prosecuting officers and police enquiry office personnel in the Royal Malaysia Police (Royal Malaysian Police, 2005 & Holmes, 2014).

Police corruption has also become common since the collapse of the Soviet Union. In its most common forms, police demands bribes for minor offences. High level Ministry of Internal Affairs' officials have been implicated in investigations of organised crime activities, and there are numerous reports of police involvement in protection and extortion rackets (Gerber & Mendelsohn, 2008). Corruption and crime in the SAPS happens across all ranks, and it is not unknown for commissioned officers to steal cell phones. *"There have also been incidents involving very high ranks, because at this level they have all the contacts concerning certain offenders' needs"* (Grobler, 2013). While the departmental policy may control conduct, the norm of secrecy, coupled with that of loyalty, dictates that one officer will never inform on another officer. It forces officers to cover up crimes committed by other officers, even when the crime is an act they strongly disapprove of (More & Miller, 2011). Some of the independent police complaints commission investigations in England and Wales revealed serious corruption, sometimes at a senior level and sometimes preying upon precisely those vulnerable individuals whom the police are required to protect (Independent Police Complainants Commission (IPCC), 2012).

In this respect the driving force is the code of silence when corruption and other crimes are committed by some junior ranking and high ranking officials. In this study participants stated that the corruption is committed by all levels of commanders and in the same way other researchers came up with the same findings in their research. Money is taken from drug dealers, traffic offenders; there is theft of other people's property and making extra money deviously.

The core characteristic of this theme is the emphasis of corruption at all levels of the police agencies. Other police officials remain silent and refrain from talking about it and exposing the corruption, while the corrupt police officials continue to make money in corrupt ways.

The mentioned literature studies in this section reveal and support the view that there is rampant police corruption in most police agencies throughout the world. The corruption that occurs in the SAPS is similar to corruption in other police agencies. The similarities are for instance the taking of money from drug peddlers, bribing people for return of favours and releasing them when they are caught with petty crimes or a serious crime, taking the recovered money from suspects and from scenes of crime, embezzling funds, stealing drugs from one pedlar and then selling it to another. In all these cases police officials abuse their power for personal gain. The resemblances of all levels committing corruption are the same in the mentioned theory and support the analysed data of the participants. The above-mentioned authors agree that corruption occurs within senior and lower echelons of the police. They allude that corruption occurs in the SAPS, but it is not unique to South Africa and also takes place in police organisations globally.

#### 6.2.2 Reservists

Reservists work long hours on a voluntarily basis and some of them are involved in plundering money from the community that they serve. They then request the permanent members to sympathise with them since they work for free for the police.

Some reservists are unemployed and own expensive vehicles, expensive clothing and jewellery and live beyond their means. They work seven days a week and for the whole month. Participants wanted to establish the commitment of someone who works voluntarily and for free every day of the month and according to the quote mentioned in paragraph 5.2.2 in Chapter Five the reservists are prone to corruption and are corrupted. Reservist police officials help supplement patrol personnel, especially during peak hours. Despite the importance of utilising reservists in supplementing the normal complement of full-time officers, the reputation of police reservists has long tainted their usefulness. The reservists do



not receive the respect and proper recognition by full-time police officers for the services they render. This perception can be blamed in part on the fact that most reservists are full-time employees of other professions; and many full-time officers are unable to understand the reasons why these individuals want to be part-time police officers, especially when no remuneration is involved. Dantzker (2003) explains in his research that one reservist commented it is a good way to make a few extra dollars, without saying how this money is made.

News South Africa (2008) reports on a case in Mpumalanga Province when 13 police reservists faced corruption charges but were released when the prosecutor at the Komatipoort magistrate's court where they were to appear misplaced the charge sheet, an important document of the court to place the case on roll to be heard in front of the presiding magistrate. In a different case into aspects of the same recruitment exercise, two members of the Human Resource (HR) staff in the UK were dismissed and a Police Constable received a final written warning. This investigation carried out by the North Yorkshire police, under the management of the IPCC; found that HR Staff used their position to help both themselves and an acquaintance to progress in the recruitment exercise. It was also found that a Police Constable had similarly assisted 'Police Community Support Officers' (IPCC 2012). In a study by Bruce (2008), he explains that a group of police reservists in the Free State was arrested on suspicion that they assisted car thieves to commit crimes in exchange for money. All authors describe the involvement of reservists in corruption by assisting offenders and also taking money deviously.

Punch (2009) states that to ensure accountability of local security structures, the police management has to maintain and ensure that strict norms of discipline to the police reservist programme be applied; and if they become involved in corruption, they must be disbanded and discharged. It is highly recommended that

before mobilising local communities to assist in law enforcement, they must have the basic standard training to become a reservist.

The issue of police reservists concerns the people who have always assisted the police in identifying where crime is being committed and who is committing it. These are people who are well-informed of places where crime takes place or who is involved. When the managers take charge and dismiss a reservist, the reservist is in principle told “go and commit crime”. It is high time that the government recalled the police reservists, and maybe retrain them if need be, or give them something to do (Kenya National Assembly, 2005).

The permanent police officials question the intention of reservists working for free, but the code of silence prevails not to report corruption. Kenya National Assembly (2005) alludes that the reservists are partially trained, but they also have knowledge of who the offenders, business robbers and thieves are, supporting other researchers' views. The intention of mobilisation of community members to work voluntarily may lead to some committing corruption and the findings in this study is similar to previous research findings in other countries and regions of policing. The above-mentioned researchers explain that reservists, who in actual fact are volunteers may get involved in corruption, since they are not paid for their services and if unemployed, could continue to be a greater risk of committing corruption. More and Miller (2011) suggest that training in the basics of police work and discipline is important in community policing. All the authors referred to in this section support the view that reservists add to supplement personnel for a police organisation. The reservists work on a voluntary basis and if they are left unsupervised, they may become corrupted.

The community volunteers and police officials must be trained before they embark on police work. The findings show that volunteers who are also referred to as reservists in South Africa need to be trained in the code of conduct, disciplinary procedures and regulations that govern misconduct and deviance in the police.

### 6.2.3 Other government departments and law enforcement agencies

Participants described the ways SARS officials and the police officials jointly commit corruption. Together they target foreign business owners examining their products in stock. If these business owners refuse to pay an amount of money then, their merchandise will be stolen by these officials. The police officials work with the SARS officials to commit corruption by illegally enforcing tax laws. Prenzler (2009) indicates that other law enforcement agencies assist police officials with their expertise to deal with certain aspects of policing. One feature of modern policing, with important implications for good police practice, is the utilising of other agencies involved in law enforcement. This phenomenon has occurred partly in response to the lack of expertise in conventional police forces in fighting sophisticated economic crime.

Corrupt police officials work jointly with the DHA officials to find documented and undocumented immigrants, and money is then extorted from these individuals for being in the country illegally. This implies that corruption takes place jointly with DHA and SARS officials. These findings in this study are supported by the research conducted by Holmes (2014), where he mentions that some forms of corrupt networks could be identified across agencies, whether involving different police forces, more central police agencies, such as the National Citizens Service, or partner agencies, such as the Crown Prosecution Service or Customs and Excise. It was common to find that the leaking of information was a feature of these networks.

In the United States the local law enforcement agencies began responding to the growing number of undocumented immigrants by partnering with the federal authorities. Their immigration enforcement has historically been the responsibility of the federal government, but legislation began to shift this responsibility to the local police (Taylor, Decker, Provine, Lewis, & Varsanyi, 2014). While some departments use their authority to remove undocumented immigrants who have committed serious and violent crimes, others have used their power to target undocumented immigrants unnecessarily, including those charged with traffic offences and victims of crimes. In many cases, individual officers now have unrestrained discretion to apply the law as they see fit (Taylor et al, 2014).

The local police could potentially be diverting valuable resources from issues that residents feel are more pressing and instead use them for the identification, arrest, and housing of undocumented immigrants (Taylor et al, 2014). These authors make no mention of corruption during the arrests of undocumented or documented immigrants, but the communities were against the arrests of immigrants citing the reason that it is a waste of police resources. Much time and resources are spent by the SAPS policing immigrants, and police are found actually robbing the foreign nationals. It is known that foreign nationals, particularly asylum seekers and migrants from African countries, are often preyed upon by police who see them as easy sources of money. The Forced Migration Studies Programme at the University of the Witwatersrand found that 8,7 per cent (8,7%) asylum seekers and one in six detainees at Lindela reported paying bribes to police, while one in three researcher-observed interactions between police and civilians in a high-density migrant area involved the soliciting of a bribe (Faull, 2011(b); Vigneswaran & Duponchel, 2009).

The participants say that the investigating officers are in cahoots with the prosecutors to close the criminal dockets as withdrawn. In some instances when

the docket with sufficient evidence to prosecute fails to be brought to the court, the case docket is struck off the roll and the offender is released and the reason is given as 'case is withdrawn'. After the case is closed the police share the money with the prosecutor, meaning that there is complicity between the police and the prosecutors. Other researchers refer to working with the prosecutors as the 'fix' which is similar to the squashing of prosecution proceedings following the offenders' arrest or the faking of traffic tickets. Those who have been arrested make use of the 'fix' to avoid court action and those found guilty of traffic violations resort to the same method. The fixer is either the detective or police officer conducting the investigation on which the prosecution proceedings will be based. In traffic cases the fixer is usually the police officer who issues the traffic ticket and who later agrees to dispose of the ticket in return for payment (Quah, 2006). Despite a number of procedural precautions developed in legal systems to curb the capacity for corruption in investigations and prosecution, they have been far from fool proof in preventing process corruption (Prenzler, 2009).

Crank and Caldero (2010) state that prosecutors provide one of the primary leads for the police, but the prosecutors themselves are often committed to the 'noble' cause of corruption, and unfortunately they can strike 'foul blows' as well as hard ones. The noble cause refers to the corruption of prosecutors as it does for the police and is strongest in the most serious cases. The noble cause corruption occurs when police are tempted to use illegal means to obtain justice, such as pressurising a suspect to confess to a crime, or the planting of evidence on the suspect (Prenzler, 2009). A substantial part of the police environment includes other components of the CJS that can breed corruption, for example, political influences of a prosecutor or a judge, a payoff from a defence attorney, or a kickback from a bondsman are ways in which other parts of the CJS can support corrupt activities (Dantzker, 2003). In Oakland, California, a small group of officers known as the "Riders" enforced the law by planting evidence and beating suspects. The important aspect of this case is that these officers have been tried twice and

the last trial resulted in no convictions, a few not-guilty verdicts, and the jury deadlocked. Prosecutors have thrown out more than 60 cases handled by the 'Riders'. Other officers were pressured to sign reports indicating they never witnessed any criminal activities (More & Miller, 2014).

Recognising the importance of the partnership between the police and the prosecutors in the CJS, offenders began using it to their advantage to close minor as well as serious cases. Corrupt officials are usually identified and used for closing of cases in corrupt ways so that the offender avoids paying a fine or end up with a criminal record or being convicted and sentenced to a correctional facility.

A meagre number of police officials and prosecutors work in corrupt ways, closing cases. Nevertheless they tarnish the image of the entire CJS and most clearly the police. These few officials can close criminals' dockets or traffic fines for a fee which is shared, and they are even in a strong position to fake cases and convict innocent people for crimes that they did not commit.

The literature reviews that Taylor et al. (2014), Faull (2011(b)) and Vigneswaran and Duponchel (2009) conducted on this topic concur with the findings of this research that agencies that perform law enforcement functions, for instance enforcing laws to tackle and arrest undocumented persons, and apprehending offenders for traffic violations work in close partnership with the police to commit corruption. The study by More and Miller (2014) explains that the prosecutors are also involved in working with corrupt police officials to commit corruption and are similar to the findings of this research explained by participant during the interviews.

Fundamentally, the findings of this research reveal that police officials at all levels are involved in corruption by taking money from illegal immigrants, drug peddlers, and traffic violators. Reservists join the SAPS to take illegal money, are involved in corrupt deeds and they lack the necessary training and discipline. In addition, it was found that other government departments performing law enforcement functions like SARS, work in cooperation with the SAPS to commit corruption. These functions overlap with the police officials' duties and they work closely together to commit corruption by bribing offenders. The next theme to be described is the multiple environmental factors that contribute to corruption.

### 6.3 Multiple environmental factors contribute to corruption

The participants identified multiple factors contributing to corruption. The factors relate to personal circumstances that inspired the people to enlist into the police. The factors include the internal and external environment in the police. The factors discussed are the motivation to join the police and the misuse of power in the police, fear of retaliation, temptations abound, greedy nature and financial constraints, social pressure and peer pressure, workload and supervision: problems go unaddressed, role of the court, and community involvement.

#### 6.3.1 Motivation to join the police and misuse of power

The participants lack the necessary loyalty and commitment required to be an outstanding police official with qualities needed to serve the community. Police officials have to be really motivated and have passion for policing in order to make it into a career. They should have the desire to serve the community when they enlist into the police. Participants described that their families are from poor backgrounds and that they have a desire to improve their lives by making money. They did not join the organisation because they had an ambition to be a police official. They wanted to find a quick fix for themselves as a result of lack of job

opportunities and they had no ambition to become police officials. It means that people joined the police for ulterior motives to enrich themselves by making money through corruption. Previous brushes with the law, regardless of whether they were officially recorded, and otherwise deviant actions indicate more propensity toward rule-violating behaviour, which suggest that the applicants, if given the opportunity to become police officers, would be more likely to engage in police corruption (Ivkovic, 2005).

The SAPS stands out as one of the few options for formal employment for South Africa's unemployed matric graduates. As a result, many people apply to become police officials if they meet the minimum requirements, primarily because they view policing as a job rather than a vocation and many are thus not particularly well-suited to the work. The greater the number of such individuals in a police organisation, the more likely it is that it will have problems with corrupt officials (Faull, 2010).

To perform policing functions, especially those that involve restraint of citizens and use of force, the police use a variety of legal powers. These powers are drawn historically from the general powers of all citizens to arrest offenders and to use force to protect people and property. Legislators have also passed specific laws giving powers to police above those of ordinary citizens. These include such issues related to the authority to arrest on suspicion, the capacity to hold people without a charge for limited periods, and the authority to demand a person's name and address (Prenzler, 2009).

Police Officers indeed have a great deal of power: power they can use to hurt people, by asserting situational justice, but far greater power by starting the legal process that will put them in jail or prison and some police officials engage in legally



questionable behaviour like may be assaulting detainees and taking bribes for the release of the suspect (Crank & Caldero, 2010). Police officers are public servants entrusted with an extensive set of powers and wide discretion in the exercise of their duties (Ivkovic, 2005). The Chicago police had a unit named the Special Operations Section which was used for street enforcement, but some of its members with police powers began harassing people, using trumped-up charges and burgling people's property. There was a pattern of illegal entry, verbal abuse, humiliation, threats, planting evidence and forcing victims to name another victim to be targeted (Holmes, 2014).

Prenzler (2009); Ivkovic (2005); Crank and Caldero (2010) mention that individuals join the police since they need the employment and some of them come from poor homes and want to make more money than what they earn. Some police officials, once in the police, abuse their power for financial gain. They treat people with brute force and the participants from this study concurred with the findings by the above-mentioned authors regarding employment seekers and power mongers. In England the IPCC uncovered that a Deputy Chief Constable abused his power when the North Yorkshire Police Authority gave him more than £30,000 to spend without any auditing. The money was awarded to him when he joined the force as Deputy Chief Constable, which in addition to his salary included a non-pensionable payment of £10,000 per annum. This payment was to cover the cost of private medical insurance and personal development training. In total the officer received over £31,000 during his less than four year employment with the force (IPCC, 2012).

Some police officials join the police and are interested in obtaining money freely from offenders instead of taking them to face a court of law for crimes committed. The police official is in a powerful position with an abundance of authority. They have the power to decide whether to arrest or to take money for the release of the

offender. In some instances they are left with the right to arrest, which can deprive a person of freedom. The power entrusted to police officials are used to intimidate the people for money or to arrest them. People who choose not to be incarcerated, give the police official the money, which demonstrates to the public that the police emanate from poor homes and the abuse of the legal power entrusted to them leads to corruption.

The theory provides information that is comparable to the present research findings from participants. Police officials enlist in the SAPS with the conviction that the police is an illegal 'fast money' making place of employment and they have a mind-set to commit crimes and corruption. In both the literature and the research findings it was evident that unemployed matriculated individuals from within the community have no other careers to pursue. Once they are recruited and enlisted, the legislation empowers police officials with much power, which is abused. Some police officials use this power to abuse and assault people and pocket bribes. The findings in the research are similar to those found in the relevant literature.

### 6.3.2 Fear of retaliation

The participants perform their duties burdened with fear of the offenders. They are afraid that once the offenders are released from prison or the offenders win their cases in court they may be killed. Cases are even withdrawn due to fear and they are aware that their names and addresses are divulged to the offender. The fear of being harassed and killed also leads to corruption as the corrupt police official takes money to provide the name and addresses of the witnesses and the arresting officer in a case docket.

Police officers confront real dangers and also work in an environment where dangers can be unpredictable. The unpredictability can become physically

dangerous and events can escalate up to the point where someone is killed: either the police officer or the suspect (Crank & Caldero, 2010). The police increasingly use their powers to crack down not on offenders, but on anyone who dares speak out against them. Nearly half of 17,200 officers and staff surveyed in Britain said that if they discovered corruption among their colleagues and chose to report it, they did not believe their evidence would be treated in confidence and would fear 'adverse consequences' (Darbyshire, 2015).

Policing occurs in a dangerous work environment wherein an officer can be killed or injured. Law enforcement can be a hazardous occupation, and even an arrest for an apparently minor infraction can result in a felonious assault against a police official. Police officials can make numerous vehicle stops without an incident, and the next stop might result in a violent confrontation. Danger is reinforced by the social interaction between officers and can reach the point where officers view the majority of the public with some degree of suspicion. This suspicion tends to strengthen the kinship felt between police officers (More & Miller, 2011). Police officials would raid a drug lord's house, confiscate the drugs they find and hand them in at the police store and arrest the gangsters, and because they are not "in" with the gangsters, they become targets. Their safety is threatened, as is that of their families and homes (Grobler, 2005). "You'll be the enemy," said Frank Serpico, the New York police department's most famous whistle-blower. His police career ended after he was shot in the face in 1971. In the decades since Serpico helped reveal the graft that many plainclothes officers routinely took, the department has tried to lessen the stigma associated with reporting a fellow officer (Goldstein, 2012).

The entire environment in which police officials perform their work is dangerous, offenders commit crimes and find daring ways of resisting arrest. Their criminal deeds are their livelihood and those police who do their work with integrity are a

threat to them. They thereafter infiltrate the police and find the police officials that are prone to sell on their colleagues making corruption a way of life by making extra money for their own selfish luxuries. When a police official performs his job honestly then others take money from offenders to divulge their name and addresses.

The research of various authors mentioned above for instance Crank and Caldero, (2010); Goldstein (2012) and Darbyshire (2015) concurs with the findings of this study that police official's offenders and that some police officials are involved in crime and corruption. It was found that those police officials that perform their tasks and duties loyally are targeted by the offenders and their lives endangered.

### 6.3.3 Temptations and opportunities abound

The duties of police officials are unsupervised and when they come across an offender who offers them money they are willing to consider taking it. Whenever an offender is arrested and brought in for questioning they deny they had any money in their possession. These scenarios and situations create opportunities for the police to be corrupt.

The participants suggested that in police work and when dealing with offenders they are offered lots of money. Police officers find themselves in situations where they are enticed with the money by the offender. The participants said that large amounts of money are given to them and most police officials take the money since they already would have spent their salary before the month end. This is an indication that some police officials live beyond their means, fail to budget properly, are indebted and therefore are prone to fall for the temptation of corruption by offenders who live a lavish lifestyle. A factor that cannot be ignored is the many laws that must be policed of which many are criticised for being too broad, subject

to uncontrollable officer interpretation and discretion, or too difficult to enforce fully. Such laws provide opportunities for corruption, for example the diverse array of traffic laws and the ability of officers to use their discretion has led more than one officer to solicit money or sexual favours in exchange for not issuing a ticket (Dantzker, 2003).

In South Africa large numbers of people work in informal or illegitimate markets, often as a means of survival. This implies that police officials have ample opportunities to accept bribes for turning a blind eye to illegal activities. The minimal significance as result of their businesses and helplessness of many of those who work in these markets, provide the police officials with the opportunity to become predatory (Faull, 2010). The nature of the policing environment provides police officials with opportunities to exploit situations for 'profit'. Answering calls where a business has been burglarised, stopping a person and finding drugs in their possession, finding a person with stolen property are all examples of situations where officers could capitalise on both their authority and the opportunity the situation presents to gain property or money (Carter, 2002). It is difficult to say with certainty just how much corruption and crime are committed by the police as a result of the nature of their job, the clients with whom they interact, and the wide variety of temptations they face every day. Police officers represent an at-risk population in terms of illegal and other forms of inappropriate behaviour. They find themselves with ample opportunity to commit crime and benefit from corruption (More & Miller, 2011).

Both the international and South African interviewees referred to radio runs where officers receive calls to the scene of robberies, burglaries and other types of crime. All these crimes provide corrupt officers with criminal intent and an opportunity to steal by legitimately gaining entry to premises. These opportunities are plentiful in

areas with high crime and drug problems because cash, drugs, jewellery and weapons tend to be stored in homes and shops (Grobler, 2005).

Most of the research regarding corruption reveals that there are plenty of opportunities available to police officials which position them in a situation where it is easy to commit corruption. These conclusions are similar to the findings in the research undertaken. The police are in a position to take money from illegal business owners and in the present study participants agreed that offenders offer them money and they take it. The police are usually first at the crime scene and there are ample opportunities to steal valuable items from the scene. Similar research, like in the commissions that investigated the New York Police Department also indicates the opportunities for corruption when police officials enforce certain laws which can be manipulated by them and in which they take large amounts of money from the transgressor of these laws (Armstrong, 1972).

#### 6.3.4 Greedy nature and financial constraints

Some participants claimed that they were greedy, while on the other hand others said they had financial constraints. Participants explained that they lived beyond their means and then realised that the police earn low salaries, so they wanted to supplement their income in corrupt ways. They spoke about the high cost of living and the many expenses to maintain their families. They also obtained many loans to live a lavish lifestyle and in addition they have extended families to take care of, resulting in them being corrupted to augment their perceived shortages in income.

Apart from the most obvious and common motivation, namely greed, there have been attempts to understand which personal characteristics are thought to predispose a police official towards corruption. Suggestions include the inability to

manage their personal finances, a history of violent or criminal behaviour, involvement with narcotics and a criminal record (Faull, 2010).

It appears as though greed is a significant contributor to police criminality. The reality is that after policemen have tasted the good life that cannot be sustained on a low salary, they find it extremely difficult to give it up. This expensive life style is a result of greed (Grobler, 2013). Police officers share the same aims and goals as any other community member to achieve a lot financially, but their achievements are limited because they are members of a police organisation, which puts barriers on career advancement and salary increases, and therefore low salaries are often mentioned as a factor contributing to corruption (Ivkovic, 2005). On the one hand police officials say they have financial constraints while on the other they demonstrate a greedy nature. They are the street enforcers preventing crime, giving fines and arresting those who richly deserve it, but at times the police violence, corruption and burglaries had no obvious reason to be executed save for the thrill. It may however, also be greed which played a role (Holmes, 2014).

There is a causal chain from bad character to corrupt acts and the root cause of corruption is found in defective human character and a predisposition toward criminal activity. Causes are rooted in human weaknesses such as greed (De Graaf, 2007). The IPCC (2012) reported on research done in England by the Police Mutual Assurance Society which found that 9% of police staff are currently at financial risk, with a view that this will increase in future. Some of the cases reviewed by the IPCC demonstrate the risks associated with financial hardship in terms of propensity to engage in debt-driven corruption, for instance theft and fraudulent expense claims.

When analysing the research findings of authors such as Ivkovic (2005); De Graaf (2007); Newham and Faull (2011) it was found that they are comparable to this research study and these findings support the view that greed is one of the causes of crime and corruption. Greed is a personal trait of individual police officials who have a craving for acquiring more expensive clothing and other personal items like cars and houses and household goods. Many police officials are incapable of managing their personal finances. The main idea presented during interviews regarding greed and financial constraints were similarly suggested by other researchers.

In the present research participants explained they lived a lavish lifestyle, they had to provide for their families the necessities of their livelihood like food, while on the other hand they stated that their income was insufficient. The expensive lifestyle is caused by greed and there is a link found in imperfect human character, compounded by lack of skills to manage finances and to live within the bounds of legitimate incomes. Their greedy nature to live expensively and their poor financial skills culminate in their need to obtain extra money. Their skills to perform other jobs are limited and the easy way out is to abuse their power is to take money and other goods, thereby committing corruption.

#### 6.3.5 Social and Peer pressure

Often offenders are arrested so many times that they are well known in the community and by the police. Their friendships lead to the police accepting money and some kind of gift to release them. The police official performing crime prevention duties finds the offender driving a stolen motor vehicle or some offenders commit a crime and the friendship influences the police to accept the money offered, leading and contributing to corruption.



Apart from interacting with the external environment and being influenced by the social pressures of life internally, peers also place pressure on their colleagues to live up to a high standard which is beyond their monthly police earnings. Police officials place one another under immense pressure to collect lots of money while on duty. They encourage and influence colleagues to purchase expensive items of clothing and jewellery. They look for motives to commit corruption.

Such police officials lack self-discipline when it concerns the management of their finances. They are rather motivated by peer pressure and compete with one another to own expensive goods. Some police officials go all out to show off their financial clout to their colleagues, although this additional illegal income is made through corruption. The mixture of solidarity, loyalty, and mutual trust among line officers in a paramilitary environment, characterised by extensive rules and an emphasis on readily quantifiable performance measures such as arrest numbers, invariably culminate in a code of silence, a code of secrecy, as well as a set of unwritten rules in the police subculture that prohibits them from reporting on their fellow officers.

The new recruits are socialised through transmission of the norms of the existing peer subculture, which in highly corrupt departments may pass on patterns of corruption (Ivkovic, 2005). It is about values, norms and moral obligations in the daily personal and social lives of police officials. Even though obligations from the micro morality are based on informal norms, they are very strong, much stronger than moral obligations. Conflicts in society arise when persons see themselves in two social roles with opposing moral obligations; and while the macro morality of public officials requires them to treat different persons equally, the micro morality requires them to favour friends wherever possible (De Graaf, 2007).

Holmes (2014) explains that often corruption arises involving contacts between police officials and offenders which were formed outside work. These contacts involve friends or relatives of police staff, people using the same gyms as members of police staff or people frequenting the same pubs or clubs. Holmes identified inappropriate friendships between police officials and potentially compromising individuals outside of the service for example, in cases that involved unauthorised disclosure and misuse of systems. While in some cases there was a clear realisable gain for the officer involved, it was also evident that the motive could be misguided personal loyalty (IPCC, 2012).

The metaphor slippery-slope is used by some authors, for instance De Graaf, (2007); Crank and Caldero (2010); More and Miller (2011), to explain a police officer's pattern of involvement in corruption. It recognizes the importance of police peers in encouraging corruption and the role played by the secretive elements of police culture. Economic corruption has held a powerful pull over police officers in many American police departments. The slippery-slope allows problems of corruption to be conceptualised in terms of personal responsibility and moral weakness. Individual officers make bad moral judgements and slide down the corrupt path (Crank & Caldero, 2010). Peer pressure is a strong social phenomenon that has dramatic influences on people's decisions. Peer pressure in the police occupational culture infers that an officer should never 'rat' on the behaviour of another. The norm has little to do with the nature of the behaviour, rather the fact that if one officer would inform on another, it is a violation of this sacred occupational trust.

This does not mean that the honest hard-working officers condone the improper behaviour, but the strength of the peer pressure may overpower the obligation to inform (Carter, 2002). The socialisation process in the police departments may promote illegal behaviour or encourage other officers to passively accept the

crimes and corruption of their colleagues. Loyalty to the brotherhood and an “us against them” attitude help protect those who have become morally bankrupt (More & Miller, 2011).

The pressure exerted on police officials from the external and the internal environment is concentrated on making money to finance the extra costs created of their own accord. Their expensive lifestyles induce vulnerability and when offenders offer money they accept it to pretend that they did not see the crime being committed. The extra money is made by corruption and police officials go all out looking for this money which they desperately need.

Theorists De Graaf (2007); Crank and Caldero (2010); More and Miller (2011) found that the social and peer pressure from the environment in which police officials live and function influences their life styles and the loyalty to colleagues becomes so strong that when they are involved in corruption they protect their criminal friends in the community and their colleagues from getting arrested. The participants in this study emphasised that there is social and peer pressure on police officials to make money, and these views concur with the findings by Carter (2002); Holmes (2014) and the report by the IPCC (2012) in England. The social pressure is caused by the friendships established with people who are gang members and offenders who are waiting to help out the police official in need of extra money. Police officials want to compete with one another to follow a lavish lifestyle and to socialise with their colleagues and be part of the elite police group.

#### 6.3.6 Workload and supervision: problems go unaddressed

Some participants explained that opening a case docket for the arrest and detention of an offender has too much administrative work and is time consuming. Also the police official has little time to spend on the opening of a docket. They also reported that the supervisors have a heavy workload so it will be highly

improbable that management will monitor their work. The excuses of the heavy workloads and under-supervision lead to the perceived freedom of discretion of police officials. In the course of their duties they can perform deviant activities unnoticed and commit corruption in the process.

The belief that supervision was about checking entries in official documents created a tradition in which what was written in official documents was more significant than what had actually happened. Making false entries became an art form and was often done with the tacit approval of supervisors, as for example when justifying unlawful arrests. Despite the apparent close supervision of uniform patrols, there were a lot of small incidences of corrupt activities. This can take the form of free beer from the public or free food and drinks from cafes (Adlam & Villiers, 2003).

The indifference of supervisors to the squandering of organisational resources and other wasteful practices contribute to inefficient operations. Employees are quick to sense the attitudes of management, and police officials especially notice the negative attitude of senior police officers to one another, as well as when supervising police officials are indifferent to promoting the best interest of the organisation. The junior police officials capitalise on the problem and are prone to adopt the attitude "if the administration wants it that way, they will get it" (Iannone, 1987).

A key causative factor in police corruption is a low level of managerial supervision and therefore of accountability. While out on the streets, there is little direct management oversight and the work of the police is largely dependent on the decision of the specific official performing the task, which is complicated and difficult to be administered by the generic decisions of remote commanders. This

allows most street level police officials to resist managerial policies and even disciplinary action, should they wish to (Faull, 2010). In the past police supervisors complained that they were provided with little information to perform their work with all the modern technology like computers, laptops, and cell phones. Currently they object to receiving more information and having less time to process it. Most of the police officials want to feel productive. Those who do feel this way do not want to waste their time. There is nothing less productive than the idle time of patrol vehicles or the wasted time of highly paid and able police officials (Newham & Faull, 2010).

The supervisor must assign reflection as a high priority, otherwise any endeavour to manage one's time is doomed to fail (Whisenand, 2007). One of the problems with reactive police departments is that they become so bound by rigid, bureaucratic procedures that they lose sight of the real purpose of policing, namely to provide a service to the community. They must constantly remember police officials are a very valuable asset to the organisation and the supervisor's position is a vital link between line police officials and the management. A major problem is that the line officers promoted to supervisory positions often do not make the transition to think like supervisors (Thibault, Lynch & McBride, 2004). Most police supervisors come from the ranks. They have been socialised by the system and have used it to enhance their status. They are reluctant to investigate and discipline police officers for criminal behaviour, unless they are forced to do so. Low visibility, coupled with a vast amount of discretion, creates an environment in which police crime, corruption, and occupational deviance can germinate and flourish (More & Miller, 2011).

Participants mentioned that police officials get busy with paper work and administrative duties and then feel that they would rather let the offender go out of the system as they have the discretion to do so and in the process they extort

money for the freedom of the offender. These remarks are in line with what was determined in other research. The busy schedule of the police management to attend to the problems and complete all the administrative tasks render the supervision on junior officials inadequate.

This research identified that police officials behave as if they are very busy and that opening a docket is time-consuming and requires large amounts of paperwork. They use this as an excuse to release offenders. There is no one to personally supervise them while on their patrol duties and they use their discretion as they deem fit. The management is engulfed with all the clerical duties, dealing with complaints against the police and have hardly any time to visit their own police officials on the patrols. Police officials at the front line of service delivery have plenty of freedom, discretion and are unsupervised. This situation provides the police official with an opportunity to be deviant and corrupt instead of worrying about preventing crime and doing their work of arresting perpetrators of crime.

#### 6.3.7 Role of the court

Police officials have become despondent with the courts and the way offenders are released without any conviction. Some feel that they have a good case which can get a conviction, but the offenders are let out. Offenders are conniving with the investigators and the prosecutors to weaken the case in exchange for money, although police officials are aware that these acts constitute corruption. Police officers and victims frequently suffer the additional frustration of hearing a trial conducted on the basis of relevant and proactive evidence that excludes substantial parts of evidence of what really happened and which is known as the facts (Adlam & Villiers, 2003).

The CJS, especially the courts, leads to direct and indirect influences on how police officers carry out their work. On occasions reports are provided of serious accounts of police officials' lack of knowledge of the processes in the CJS, and in the meanwhile corruption escaped the attention of the judiciary and of those involved in the prosecution process (Dixon, 1999).

The police, as the gatekeepers of the CJS, learn how to negotiate the practical requirements of criminal law to obtain successful contributions. Police often justify bending the rules or administering street justice by blaming the system for being soft on offenders (Dixon, 1999). Police officials internationally believe that the courts are exceptionally lenient on defendants. They are convinced that bad people are frequently released on legal technicality (Crank & Caldero, 2010).

The courts require good quality evidence and are concerned with the technical quality of the evidence and behaviour that conform with the requirements of due processes. On the other hand, the police are primarily interested in the factual guilt of suspects and consequently view the courts as being soft on crime. Police officials have a stereotyped view that the courts are untrustworthy (Crank & Caldero, 2010). In the world of the prosecutor, crime is represented by facts on a piece of paper that must meet strict guidelines that have been learned by the prosecutors. Conversely, police officials have to arrest the criminal at the spur of the moment on the street when a crime has taken place. When the circumstances of a police arrest, search, or seizure do not meet the criteria of the courts, prosecutors are upset, which leads to criticism of the police. It also leads to plea bargains and dismissal of legal proceedings, which in turn upset the police (Dantzker, 2003).

There have been numerous incidents of police members losing dockets or stealing and selling dockets to accused individuals (Faull, 2010). Corrupt police members are not the only ones responsible for this phenomenon, but justice officials have also been implicated in this. Police members generally do not like to take instructions from prosecutors. Officers are often frustrated when dealing with young, inexperienced prosecutors. Some cases have been thoroughly investigated but they get thrown out because of bad prosecutions (Grobler, 2005). The role of the court requires evidence to be fine-tuned and perfect.

In the Netherlands eight police men were arrested for corruption and other crimes in which they colluded with Chinese gangsters (Punch, 2009). Punch (2009) further explains that the public prosecutor in this case demanded prison sentences, but experienced much difficulty. They struggled to get corroboration, as many of the Chinese witnesses had been expelled from the country, or were not willing to testify; and the bookkeeper for example, who recorded payments to the police, for example was not available for court. The term 'corruption' is not formally defined in Dutch Law and therefore to prove corruption meant presenting evidence that the cops had not only accepted money or goods, but understood the intention of the briber, and subsequently reciprocated with favours in conflict with their duty. The judges who presided over this case found one officer not guilty and five were fined for accepting gifts and small amounts of money. Two of the six police officials retired on health grounds and the other four eventually returned to work in less important positions.

Police work is complicated by the final decision of the court regarding the fate of the offender. The findings in the present study reveal that the investigators of cases against corrupt police officials need to gather facts and their evidence meticulously and properly. The prosecutors preparing the dockets for court must in turn give guidance to the investigators of corruption cases. Sometimes cases are closed



due to insufficient evidence and this frustrates the investigators as they feel that they worked hard to apprehend the offender. The findings also reveal that police officials investigating serious cases become frustrated with the process of gathering evidence and presenting it in court. Police officials making the arrest perceive that the investigating officer and prosecutors are working together to close the cases and the offender pays them a bribe. The findings in these studies correspond with the findings made by of Dantzker (2003) and Grobler (2005) that there are complex problems and challenges in presenting evidence in court. The problems and challenges encountered in the CJS that Punch (2009) describes, like in the case in the Netherlands, are similar to those found in this research. Actions of this nature spread throughout the CJS because often the offender is released and other people become aware that it is difficult to find a police official guilty of corruption as a result of the procedures in court.

#### 6.3.8 Communities' involvement

The service rendered by the SAPS is to serve and protect the community. While working in that community, some police officials commit petty and/or serious crimes. The end result will be that offenders from the community corrupt the police so that they refrain from performing their duties. Communities should assist the police in preventing corruption and therefore inform the SAPS management of corrupted members. It is clear from the previously mentioned quotes that offenders want to evade justice and police officials take the money because there is a voluntary partner to commit corruption. In some districts in Brazil, illegal enterprises such as drug gangs, provide the neighbourhood security from external threats, and perform the work of the state police. There is a common view that the prevalence of local inequalities, reinforced by a system of political contacts and bosses, is enhanced by a system in which the police, rather than answering to the law, answer to the preference of a community that lacks any genuine autonomy (Brogden & Nijhar, 2005).

There are various categories of crimes committed in the communities and some of them are on the increase. The crime statistics and an explanation of the categories and increases are provided in detail in Chapter Four, section 4.3.2. The general community situation can have a direct impact on corruption. In a society in which illegal activity is accepted or promoted, corruption can flourish. For example, for many years New Orleans was well known for its leniency toward police corruption, simply because of the nature of the community (Dantzker, 2003). Members of the public involved in corrupting the police of any kind engage in criminal behaviour and should be labelled accordingly. The subtle discourse shift goes a long way in terms of changing the understanding of the transaction (Faull, 2007). Bribery requires two parties. When South Africans consider police corruption they almost always position the police official as the initiator and beneficiary of the transaction, and the civilian as the victim.

While this is often accurate, civilian complicity in corrupt exchanges cannot be ignored (Faull, 2011(b)). The communities themselves also contribute to the giving of gifts to the police. They frequently provide the opportunity for a gift through the offer. In many ways this is a 'chicken-and-egg' issue, namely whose expectation for gratuity comes first, the community or the police official? The exchange of gifts is one of the reasons why corruption remains an endemic issue in policing (Carter, 2002). A partnership involves law enforcement agencies working with various groups on the basis of equality. This means breaking new ground and developing skills in collaboration. For some the community represents pessimists, police critics, and meddlers, vigilantes, or police imitators. If community policing is to work, these clichés must be rejected and members of the community must be allowed to become involved in the problem identification procedures (More & Miller, 2011).

Civilian complicity in bribery and corrupt exchanges leave the corruptor to believe that police are easily bribed and that he or she therefore need not fear being punished for similar future crimes. Furthermore, as police are the most visible public representatives of the state, corrupt exchanges lead to negative perceptions of broader government as well (Faull, 2011(b)). As stated by various authors like Carter (2002); Faull (2011(b)); More and Miller (2011), the participants of the present research agreed that the key sources contributing to corruption are individuals from within the community. The participants also felt the community bribe them to evade justice and offenders find it easy to corrupt the police so that their trade can flourish. Since there is a voluntary partner to corrupt the police, it makes it difficult for management to get a conviction for corruption among its ranks and files, unless one of the brave victims comes forward and provides a statement regarding the corrupt police official.

Within the community the drug dealers, the housebreakers and many other offenders live and these offenders have no intention of going to prison, therefore they feel that the police are paid low salaries and are easily bribed. Throughout the present research the participants mentioned that there are two parties involved in corruption. These observations are similar to the findings of other researchers. The views of Darbyshire (2015) and Faull (2011(b)) correspond with the present study that as long as communities continue to provide police officials with illegal money, corruption will thrive.

#### 6.4 Forms of corruption and corruption-related crimes

There are different techniques that participants use to commit corruption. These practices and arrangements achieve the common purpose of accepting money to satisfy their financial greed. The participants describe the different forms of corruption according to their experiences. The forms of corruption explained are money, gifts, manipulating the system, coercion and intimidation.

#### 6.4.1 Money

The participants said that offenders give money to the police for the police to go away and leave them to continue with their devious actions. They also accept money to support their lavish life styles by collecting the illegal money. Police officials specifically choose to patrol in areas of drug dealing and in these drug trade areas they stop their police vehicles and the drug dealers approach and give the police money. This means that the police are failing to perform their tasks of apprehending offenders, since they are concerned with making money illegally. Police officials report for duty with ulterior motives of making extra money to enrich themselves through corruption. Thibault et al (2004) mention that there are two types of corrupt officials: those who actively seek graft and money, while others participate in lesser forms of corruption, such as accepting free meals, discounts on services, and gifts and money that come their way. Haberfeld and Cerrah (2008) found that corruption is prevalent within the police and in a study in Mexico it was found to be a common practice among police officials.

Corruption within the Mexican police force often takes on a pyramidal structure, with those at the bottom receiving low amounts, and corrupt officials on the top sometimes taking huge sums. The average police officer in Mexico earns a low salary, which makes it difficult to support a family. Even if juniors take bribes to augment their paltry salaries, a large percentage of the money flows upwards to the wealthy officers at the top (Haberfeld & Cerrah, 2008). Other authors like Faull (2010) and Grobler (2013) found that in South Africa drivers are usually caught at roadblocks and they constitute a big source of revenue for corrupt police officials. Kempen (2012) reports that 154 000 drivers in Johannesburg out of the 429 000 drivers in Gauteng were asked for a bribe in the year 2010. Grobler (2013) states that in another case two detectives in Pietermaritzburg went on the run after being caught soliciting a bribe in a police trap. They approached a man and promised that his drunken driving case would disappear for a R2000 bribe. The crooked cops were handed R2000 in marked bills and when they realised that their colleagues

were pursuing them, they abandoned their vehicle and fled, but luckily they were arrested and put behind bars. Two determined police officials demanded a bribe from a man driving an overloaded light delivery vehicle. He did not have the money, went home and told his mother who gave him R460. She also reported the matter and the police officials were convicted in the Kwa Mhlanga Magistrate's Court.

In England and Wales nearly two thirds of incidents reported, related to theft and fraud amounting to small sums of money (IPCC, 2012). In other incidents in South Africa taking money ranged from "police friends" boasting of their involvement in bribery and rape, to offering an unemployed participant a job in the police, to participants' friends having bribed police to evade arrests; to tavern owners and drug dealers paying protection fees to police (Faull, 2011(b)). In the corruption scandal that shook the NYPD, Armstrong (1972) reports that the biggest sources of payoff to police officials emanate from organised crime regarding control of the New York gambling, narcotics and loansharking. These illegal activities make large amounts of money and pay police officials to protect their businesses from police raids and arrests.

Money is a major instrument of trade and likewise it is used to bribe police officials. Often their daily activities are planned round their work which will result in making money. It was pointed out by various authors and the participants in this study that police officials demand money from offenders; which emphasises the similarities between this research and other studies. The corrupt police official goes in search for money from easy prey who are the drug dealers, drunken drivers and other offenders. It was found that police officials find it easy to make money from offenders or by driving up to a drug dealer and collecting money.

The findings of the present research correspond with those of other researchers mentioned in this section that police officials accept money from people. To prevent corruption, communities must be encouraged to report those corrupt police officials, even if it means that everybody at a particular station is corrupted.

#### 6.4.2 Gifts

Gifts were provided to the participants in order to establish a friendship with them and this is formed purposefully so that offenders can commit crimes and prevent them from getting arrested. The gifts are small tokens and presents given and are the beginning of all the dishonesty which can continue and lead to larger forms of corruption. It is referred to as mooching and chiselling by Basdeo (2010). Police officials receive free gifts in the form of coffee or meals, in exchange for possible future acts of favouritism and also demand admission to entertainment events or price discounts. Gifts presented to police officers, regardless of value, have a potential impact on the officers' use of discretion in the future. Consequently, the acceptance of such gifts represents corrupt behaviour despite the fact that the police official may have performed an outstanding task for the client (Ivkovic, 2005). There are arguments for and against the acceptance of gifts by police officers: some feel that the division between tolerated gratuities and gifts is only artificial and that the value may be small in individual size, but substantial across the whole police agency and the purpose however these gifts are given with an intention to provide a favour in the event of a transgression of the law (Ivkovic, 2014).

On the other hand, arguments for the tolerance of gratuities and other small gifts typically emphasize that these gifts are offered as kind gestures with no ulterior motives; that they serve to develop friendly relationships between community members and individual police officers and that they are part of society's custom (Ivkovic, 2014). There is a pragmatic debate whether the acceptances of gifts do not constitute corruption, unless there is real expected favourable behaviour by the officer extended to the person providing the gratuity. From a philosophical

perspective, the situation is somewhat different, but many citizens perceive the acceptance of gifts as corrupt behaviour (Carter, 2002).

The IPCC (2012) report found that controls were required in areas not previously associated with corruption, such as corporate purchasing, the receipt of gifts and hospitality, use of credit cards, and the police officers and staff having second jobs. Concerns were raised that this was “the thin end of the wedge” which could lead to corruption. In addition, this was seen as putting the police officer in a potentially difficult situation if the provider of hospitality expected something in return. It was considered sensible that police officers should constantly have to exercise good judgement in this kind of situation. The acceptance of a gift is perceived to be corruption, because offenders would expect to be favoured whenever they are arrested, be it for a minor or a serious offence. In the end accepting of gifts by police officials can result in corruption, no matter how much the person may be able to convince police officials that ‘there is no strings attached’ when he/she expects a favour to keep quiet and look the other way when a crime has been committed.

In the present research the participants mentioned that police officials are provided with gifts as a small token of friendship. The giving of gifts to police officials is also substantiated by other researchers like Basdeo (2010) and Faull (2010) in their studies. Peak, Gaines and Glensor (2004) explain that gratuities are normally taken by police officials as part of their job and the restaurants provide free and half price meals and it appears that gratuities could be the first step towards corruption. The giving of the gift will result in an obligation, as the offenders would want to be treated in a favourable manner if they are found with anything illegal, and expect to be left alone. On the contrary, author (Ivkovic, 2014) explain that the giving of a gift will not be a form of corruption unless the gift is given with the expectation of a favour. Dantzker (1997) supports the views that after a while when gifts from merchants, free meals in restaurants, and even kickbacks from those investigated and arrested become the norm, it eventually leads to corruption.

### 6.4.3 Manipulating the system

The participants indicated that junior members find it difficult to perform their jobs due to interference by their seniors whenever offenders are arrested. The offenders purposively continue maintaining contact with the seniors, so that when they commit crimes they get the necessary protection from high ranking officials with whom they are in a good relationship. The offenders, with the help of seniors, hamper the effectiveness of the police officials. This interference can also result in offenders being set free and meanwhile the juniors are monitoring the situation carefully so that they can also do likewise. The informal system of manipulating case dockets favours the offenders to continue with their criminal deeds and promoting corruption to continue.

Selective enforcement or non-enforcement occurs when police officials abuse or exploit their discretion. This may occur for instance, when a police official releases a drug dealer in return for valuable information; however this would be a legitimate use of discretion. However, if the police officials did the latter for monetary gain, it would amount to an abuse of power. Corruption occurs at all levels of the SAPS and police officials are part of and work closely with organised crime syndicates trying to manipulate the system to protect offenders. In the SAPS a high profile case involved the investigation by the Directorate of Specials Operations in 2008 of the National Commissioner at the time, Jackie Selebi. He was charged with corruption and defeating the ends of justice, and was convicted in court (Newham, 2010). The charges related to involvement with persons committing organised crime.

Institutional controls on the use of police discretion are very weak and are almost always done after the fact. Police officials prefer to be left alone to do their job without supervision. The entry level police officials however, often adopt the attitude that what they do not know will not affect them whenever legal action are



taken against them (More & Miller, 2011). Irregularity in relation to evidence of perjury is the most prevalent form of corruption allegation recorded by the police in the United Kingdom and it totalled 3758 allegations. This is followed by improper disclosure of information. The course of justice is misrepresented by altering of the records, falsification of witness statements, tampering with evidence by some of the seniors and committing perjury at trials (IPCC, 2012). A case study in point is the protection of Chinese illegal gambling in the Netherlands. The two detectives known as 'Chinese experts' from headquarters received fruit baskets with turkey, champagne and envelopes of money at New Year. Moneys and gifts were also paid to two detectives from the Aliens Department and four officers from the Plain Clothes Squad from a station at Warmoesstraat in the Netherlands. Money was paid out on two pay days for shareholders in the owners' gambling hall and the cops accepted "lucky money" from winners at the gambling table and went on to gamble with that money (Punch, 2009).

Grobler (2005) explains that police officials working in gang-soaked areas illustrated aspects of a relationship between gangs and corrupt policemen. The police official in charge of the detachment would make a phone call to gangsters to bring food for all the police officials working on that group and this includes having a special function, for instance having a braai. Police officials do not contribute money for this food or the function. Then when the gangster is arrested for shooting someone, the police officials have to release the offender as a favour. Police officials steal property that was recovered, for example a firearm, and then it is sold to gangsters (Grobler, 2005).

Similar to the findings in the present research, other studies also discuss the attitude and behaviour of offenders in manipulating their friendships with top management and other police officials.

#### 6.4.4 Coercion and intimidation

Coercion and intimidation happens subtly and constitutes serious criminal behaviour which leads to corruption and corrupt activities. In the present research, as mentioned above, it was found that offenders and the police change statements in the dockets, alter information and destroy other evidence. Some witnesses are also threatened to stay away from the trial date to favour the offender. These actions will result in the offender being released and will cause the case to be closed. In other studies in various police agencies, similar actions of coercion and intimidation of complainants and witnesses occurred.

Newham and Faull (2011) state that police officials who report infringements committed by their colleagues are isolated, intimidated and sometimes harmed. If police officials are afraid to report one another, obviously communities would refrain from reporting police officials to the police for investigation. The consequences of the criminal behaviour of corrupt police officials result in communities having a negative perception of the police and that all police officials are the same as the corrupted officials. The victim, who lodges cases to any police agency, loses trust in the police and become highly disillusioned and afraid to report any crime due to the intimidation. This form of action is severe corruption and the people who benefit are the offenders and gangsters.

Police officials need to be serious about performing their work and abide by the code of conduct, while those caught must be punished severely and the sentence has to be aligned to the type of crime committed. Once this coercion and intimidation takes place the evidence and facts against the offender is destroyed and other important information in the dockets is altered to favour the offender. These changes of evidence in the case docket will immediately result in the case against this offender to be closed. The offenders will be set free and released from the CJS through the corruption committed by all parties involved.

The fact that police officials usually have been working together for a long time and have faced trouble during violence creates a bond and a strong friendship between them. The friendship established creates a culture which will protect corrupt police officials, with the result that they will divulge little information to outsiders investigating police officials (Newham & Faull, 2011). While departmental policy may control conduct; the norm of secrecy, coupled with that of loyalty, dictates that one officer will never inform on another officer. This is true even though it might involve brutality by an officer. The secrecy norm even extends to all police incidents, and one officer never turns in another for sloppy work, sleeping on the job, delaying response to a call for service, or failing to perform his or her duties. When the code of silence is operational, it forces officers to cover up crimes committed by other officers, even when the crime is an act they strongly disapprove of. In addition, officers will feel the need to falsify records and perjure themselves when the code is defended from the investigation of wrongdoing. The greatest concern about the code of silence is its pervasiveness when it comes to corruption. There are grave consequences for violating the code. Officers who report misconduct can be ostracised and harassed. They can become targets of complaints and even physical threats (More & Miller, 2011).

There are some police officials who are tyrants, are control-orientated and do not respect others. These officers respond explosively and do everything possible to intimidate anyone (More & Miller, 2011). In a story regarding Scotland Yard, detectives backed by taped conversations, bluntly accused three detectives of planting evidence and taking back-handers from offenders 'in exchange for dropping charges, being lenient with evidence in court, and for allowing an offender to work unhindered' (Darbyshire, 2015 ). The police advised the victim not to come to court on the next date of appearance, as they were going to pay him a certain amount of money. This guy was obviously intimidated and did not show up at the court on the date of trial. The case was dropped and he received the money that he was promised and the case disappeared just like that (Faull, 2011(b)). Breaking

the code of silence can elicit severe sanctions and if one police official is unfaithful to the police family, the operational code can instantly alter to exclusion, to pariah status or sanctions for those who break ranks. Some corrupt cops will consider killing a colleague for washing their dirty linen in public (Punch, 2009). Dantzker (1997) explains that police officials who refuse and decline the gifts given by the community are viewed with suspicion, as if they are spies and may arrest the person when the gift is given. The present study revealed the same phenomenon and those police officials who have resisted involvement in corruption come to fear their fellow officers who are corrupted. They even fear to testify as witnesses against their colleagues. This information should make management aware that if police officials turn a blind eye they do this due to fear and specific policies need to be implemented to protect the police official turning in as a witness.

## 6.5 Dynamics resulting from corruption

Corruption leads to certain underlying forces which are referred to as dynamics resulting from corruption. The themes that are clustered in these categories will be described as providing the offender permission to commit the crime, negative emotional responses leading to stigmatisation, being set up, and corruption becomes normalised and sanctioned.

### 6.5.1 Providing offenders' permission to commit the crime

The participants in the present research explained that offenders are provided with permission to commit crime. They do this to acquire extra money by unlawful means. The police who are supposed to prevent crime are now instigating and fermenting criminal acts for additional monetary gain and corruption. A police chief actively takes part in corruption and eventually becomes the ring leader in a series of burglaries (Ivkovic, 2005). In Brazil a growing set of examples includes organised criminal organisation, gangs, vigilante groups, illegal security firms,

death squads, mafias, and militias. Death squads perfectly capture the problem with uncivil society and the police. Death squads can be well organised and frequently operate extra-legally with the collaboration of the police or complicity of the police (Haberfeld & Cerrah, 2008). In the research by Faull (2011(b)) he uncovered one of a group of Johannesburg suburban residents describing how he participated in an armed robbery together with an off-duty police official. Concerning drugs, some of the participants mentioned that members are known to steal drugs from exhibits and they act as couriers by using police vehicles to transport drugs for drug lords for the resale of the drugs. If SAPS senior management has ever wondered why regular raids on gang hideouts are unsuccessful, it is because of the entrenched practice of tipping off gangsters about an impending raid (Grobler, 2005). There were also persistent rumours of close relationships with drug dealers and informants, allowing dealers to continue in illegal businesses in exchange for arrests (Punch, 2009).

Researchers such as Ivkovic, (2005); Haberfeld and Cerrah (2008); and Faull (2011(b)) explain similar findings that offenders are given permission to commit crime. The police official gives permission to the offender to commit crime, for instance drug dealing, robberies and they may also tip off offenders of any impending raid. The findings of these mentioned authors correlate with what was found in the present research. The police were supposed to prevent crime, but are now fermenting it for money. The police official with knowledge of the law and other legal principles allows offenders to commit crimes. The police are also in a position to protect offenders from being arrested; all for financial gain and these are corrupted police officers.

#### 6.5.2 Negative emotional responses leading to stigmatisation

The participants explained that they do feel bad about being allegedly involved in crime and corruption. They felt that they are stigmatised by their colleagues, even

before any investigation of the corruption case has taken place. They also felt unhappy to have been involved in any illegal activity. They felt embarrassed and guilty about their involvement in corruption. Trust and respect are prerequisites to any working relationship. These qualities precede candid and open communication and discussion. Every police officer has the right to openly approach and resolve all interpersonal and task problems as they occur. They should be allowed to express true feelings and expect that they will be heard by their supervisors. Police officials should feel that their issues will be solved in an impartial and fair manner (More & Miller, 2011). In cases involving serious legal, moral, or professional misconduct it is essential to adhere to the minimum requirements of procedural due processes, as prescribed by the appropriate requirement of legislation. When an internal discipline complaint is sustained, the chief of police selects the most appropriate remedy available. Corrective measures may include reassignment, retraining, psychological counselling, or participation in a multipurpose employee assistance programme (More & Miller, 2011).

There is no justification for the behaviour of supervisors who displace aggression by blaming their subordinates for committing corruption. The proper goal of imposed discipline is to make the future more satisfactory, not to vent emotions or to fulfil some abstract sense of justice (More & Miller, 2011). Conflicting perceptions are formed and used to vilify the police as a group and to scapegoat individual officers for the transgressions of their peers. The misconduct of one police officer frequently casts suspicion on the entire department, and police managers soon discover that the integrity of the police force cannot be restored by simply punishing the officer. Such discipline is usually viewed as being merely cosmetic. When confronted for the first time with bribery and arrangements, officers are presented with a choice between a police official joining the corrupted and one not joining. Deviance as a rite of passage for the novice can be consciously constructed by experienced officers. Accepting deviance then becomes the price of membership to the club. Frequently, the accounts reveal that

the first unambiguous confrontation with corruption is an instantaneous choice but which can also cause considerable emotional turmoil. It was not really about the money, but you could not refuse because you would 'destroy yourself with your peers' (Leuci, 2004).

A managerial commitment to continuous monitoring for accountability is by far superior to an occasional witch hunt. It represents a genuine good faith reaffirmation of the community's control over the police (More & Miller, 2011). In another study, Punch (2009) found police officials who were arrested for corruption felt committing corruption meant a few years of madness that wrecked everything, because they loved their job and miss it every day. Other police officials described the humiliation of arrest, of exposure in the media, all having a negative impact on the children, and on having to go to jail with 'offenders' and the pain of being visited there by family on a Christmas day. The consequence of criminality on the police perpetrator is a loss of integrity. The effects corruption has on their colleagues are enormous. There is a lack of trust and this affects the morale of the team (Grobler, 2005).

They felt embarrassed and guilty about their involvement in corruption. They desire to be respected and would like management and colleagues to support them in their time of need. The management should not tolerate corruption and any support to the corrupted police official will be seen as if corruption is condoned.

Throughout the present study the participants displayed courageous characteristics to take on any risk. Emotionally they felt hurt, shameful, and guilty about their action. Other researchers for instance, Leuci (2004); Grobler (2005); More and Miller (2011) also came to similar findings. Police officials feel that they are stigmatised and labelled as criminals by their colleagues when they are arrested. They also have a family and feel unhappy to have been involved in any illegal activity and are ashamed to put their children through any embarrassment.

This knowledge can be used to improve relationships in the SAPS and junior police officials should be brave enough to perform their tasks without fear of victimisation. To create awareness that corruption leads to departmental and criminal charges and this awareness should be extensively explained to police officials in the anti-corruption programme of the SAPS.

### 6.5.3 Being set up

The participants felt that the departmental hearings set them up and that cases were presented in an unfair manner. They said that they might be found not guilty for the crime in a court of law, but will still be dismissed from the service. They felt the entire departmental process is biased and favours the management, even though there is insufficient evidence against them, implying that these investigations and trials must be done independently from the police.

Barker (1994) found in a study done in South City in America that people testify dishonestly against one another and these actions are an on-going problem. More than 20 years later, this present study found that police officials are deceitful and are untruthful by lying, saying that other police officials are corrupted. Crank and Caldero (2010) report that police officials would report another officer for perjury which is defined as testifying in a court or other tribunal falsely. If action is contemplated against an officer for misconduct, the grounds for the action must be carefully evaluated. If the department relies on unwritten customs and broad categorisation such as conduct unbecoming for a police officer, rather than following rules that specifically prohibit defined forms of behaviour, problems may arise. Importantly, the department must have some form of reliable information indicating that an officer may have been involved in misconduct before any administrative action should take place (Carter, 2002).



In another incident in the United Kingdom, a senior officer gave false evidence to convict someone for attempted murder, saying that that person had stabbed him. Following an examination of the officer a medical expert concluded that, the injuries were consistent with self-infliction (IPCC, 2012) and the court found he had committed perjury and abused his power. Corrupted police officials manipulate supervisors, work jointly with former officers, certain private security firms and lawyers; and also have contacts with deviant members of the Crown Prosecution Service. Sometimes they targeted officers that made an arrest, as an opportunity to corrupt them (Punch, 2009). Goldstein (2012) explains that police officials who called Internal Affairs to provide information on corrupted police officials, were in trouble with the Department and were investigated by their colleagues.

Grobler (2005) found in her study that one interviewee lamented the occurrence of a fairly new phenomenon in the SAPS today, namely slandering and character assassination amongst police members. If a detective is successful and good at his work, jealous colleagues will start spreading rumours about him that “he is actually corrupt”. An example of this occurred in the Serious and Violent Crime Unit where one member was a really good detective. Jealous colleagues kept saying this particular detective was corrupt. The detective who was targeted was from the erstwhile Taxi Unit and jealous colleagues alleged that taxi companies were paying his private cellular phone account. This detective arrested suspects from all taxi companies, without fear or favour, so the allegations did not make sense.

The findings in the present research agree with results of other research findings and most refer to senior management as being biased and one-sided in departmental cases. The accused feel they are found guilty before the trial has even started. Some of the similarities include police officers conniving together to frame another police officer for crimes that they did not commit. Other authors like Grobler (2005); Punch (2009); Crank and Caldero (2010) as mentioned in this

section, refer to these types of activities as unjust, defaming and a form of character assassination. The present study reveals that the SAPS is perceived to be soft when it comes to disciplining corrupt police officials and therefore, in the light of the slightest allegation of corruption by a police official, the management will immediately act by arresting the member and giving the case widespread media coverage. Corruption and its related offences in the police is a sensitive area and managers would like to shift the blame and make it seem as if they are strict with corrupt officials. The allegation of corruption against a police official is a serious crime and must be thoroughly investigated before the officer is approached and arrested, taking into consideration that police officials are also knowledgeable about the laws. Being cautious and treating police officials sensibly will help to elicit co-operation and sometimes they admit to the corruption and assist the investigating officer in the case.

#### 6.5.4 Corruption becomes normalised and sanctioned

The participants viewed accepting money as normal and part of their everyday activities while on duty. They do not regard the taking of small amounts of money as corruption anymore. It is the common practice of a police official to accept money without any fear of being arrested. In the UK the term police corruption most commonly tends to refer to violence and brutality, bribery, and the fabrication and destruction of evidence and it is argued that in comparative terms the UK police should not be seen as institutionally corrupted. Nevertheless, corruption was something that seems to have been present prior to the birth of modern public policing in the mid –19<sup>th</sup> century. It would also be fair to say that despite legal and procedural reforms, allegations of corruption still occur (Haberfeld & Cerrah, 2008).

Almost all the participants made some reference to an alleged criminal and corrupt act committed by a colleague; which suggests a possible normalisation of violations to the extent that they do not stand out as shameful events, not to be

repeated. These discourses threaten to promote suspicion among colleagues, reduce morale or further erode cultural integrity. The greatest concern, however, is the widespread perceptions at all three stations that Faull covered in his study, that, beyond the veil of everyday activity, integrity violations may be relatively common (Faull, 2011(a); 2011(b)). Petty corruption is not inconsequential, as it merely refers to acts that are likely to be routinely found in operational street level policing. Most of the incidents of petty corruption described reveal the callousness and predatory manner in which some police abuse their power.

Colloquial terms used by police officers when soliciting bribes include buy me a “cool drink”, ‘tie the sergeant’s boots” and ‘pour me some sugar’. The crooked cops have names for their scams, such as “tjo-tjo”, a Xhosa term for receiving money for favours (Grobler, 2013). Police officials generally solicit bribes from people who will not report them, such as drug dealers and drunk drivers. Police officers demand bribes for myriad services such as losing dockets and selling confidential information to offenders. Although corruption is a constant problem in any police service, few SAPS members are caught and convicted of this crime. Corruption is a detriment to the policing profession, taking many forms, transforming beyond conventional, consensual corruption to take on exploitative forms which threaten the democratic basis of countries (Newham & Faull, 2011). Punch (2009) is of the view that acts of corruption are seldom committed by an individual, but usually occur in an institutional context.

In the present research participants mentioned many accounts of police asking for “a cool drink” and “tjo-tjo” which is a code that the police need money and are committing corruption. The above-mentioned are all terms used by police officials to solicit money from the community and are similar to terms used in the research by Grobler (2013). The taking of money and ‘petty’ corruption is perceived to be normal practice and of police officials' jobs. The police officials believe that they

are doing the community a favour and small amounts of money must be given to them, as they rely on this money to buy food for their families. This study should make the senior managers in the SAPS aware that police officials in the operational field use certain terms and are on a mission to collect money, instead of doing their jobs. The knowledge that police officials have specific terms to solicit a bribe would improve command and control and supervision at the operational level. In management courses an awareness programme should be instituted making them aware of these terms such as 'cold drinks' and "tjo-tjo".

## 6.6 Anti-corruption mechanism

From the research, it appears that there are different levels of awareness relating to the anti-corruption mechanism in the SAPS. The knowledge and awareness of the mechanism is determined by the rank level of the police official in the organisation. The participants' views differed regarding the meaning of the anti-corruption strategies applicable to police officials. Some police officials are aware of the strategies while others, who know about the anti-corruption strategy say it is ineffective. This implies that the police need to market these strategies forcefully and vigorously, targeting every police official and making them aware of the anti-corruption strategy. The strategy must have meaning for police officials and it must be seen as an effective tool in sensitising police officials that corruption will be dealt with severely.

In the UK it is recommended that relevant training courses should include content on integrity and anti-corruption. This should especially be the case for those courses aimed at senior officers, while chief officers should consider briefing wider staff about its content, as well as the fact that corruption is unacceptable. The areas of vulnerability should be pointed out (IPCC, 2012).

There was however, general consensus that focussing on real policing was more important than focussing on investigating corruption within the UK force. IPCC's Statutory Guidance, stipulates that serious cases of police corruption should be referred to the IPCC by the UK police forces so that a decision can be made about who should investigate the case (IPCC, 2012).

Supervisors and managers must make an up-front and proactive commitment to integrity. They must do everything they can to prevent deviance and corruption in the department. They must also be willing to do whatever it takes to remove undesirable police officials from the police service (More & Miller, 2011). The British police service has attempted to make progress to ensure that ethical standards are met through more effective leadership, more stringent management and supervision procedures, increasing levels of accountability and the training for awareness (Haberfeld & Cerrah, 2008).

The Commonwealth countries have a task force known as the ACC that investigates a range of corruption complaints against police officials. A toll free anticorruption hotline allows for and encourages anonymous reporting. The 2003-2005 five-year Anti-Corruption Commission (ACC) strategic plan contains specific programmes for the prevention of corruption, including public education, more effective investigation and prosecution of offenders, and research and intelligence gathering (Haberfeld & Cerrah, 2008). Anti-corruption efforts tend to produce long checklists, administrative changes, good intentions and vacuous statements of intent. But if the resources, skills and organisational drive are absent, little can be done to make police officials aware (Punch, 2009).

The participants pointed out that the junior police officials have little knowledge regarding the anti-corruption mechanisms existing in the police. Senior officers

displayed more knowledge about the anti-corruption strategy. Authors such as Haberfeld and Cerrah (2008); More and Miller (2011) are silent on the knowledge of police officials regarding the anti-corruption strategies; however they state clearly that anti-corruption strategies must be made part of the training in a vigorous manner and it must include the establishment of proper units to investigate corruption. Punch (2009) explains that there is plenty of literature on the best practices regarding anticorruption mechanisms and like the many reports on corruption in diverse societies, they are extremely similar.

The most significant aspect of the anti-corruption strategy is the sensitising of police officials regarding the basics: they have to be responsible and accountable, instead of not arresting perpetrators and accepting money. The sensitising can start from the day they sign the oath of office, that is the code of conduct. After signing the oath of office they will be sensitised to the consequences of corruption. For the consequences to be seen as effective, there has to be trustworthy, fair, intelligent officers with 'people skills' and champions to the cause of anti-corruption, employed to investigate members' corrupt behaviour. For the anti-corruption measures to work effectively, the police should establish an anti-corruption unit working independently of the South African Police Service. Grobler (2013) supports the view that the SAPS should establish an independent specialised anti-corruption unit as a matter of urgency.

The policy framework for public service corruption prevention in the country forms the guidelines for the anti-corruption strategy of the SAPS and it helped develop a service integrity strategy for police officials. In line with this basis, a four-pronged approach was adopted to address corruption, namely the prevention of corruption, detection of alleged cases of corruption and their investigation and the implementation of restorative actions to fill the gaps which may result in, or contribute to corruption. This strategy was properly implemented through the

formation of the highly successful Anti-Corruption Unit in 1996 (Newham & Faull, 2011).

The gradual demise of the SAPS Anti-Corruption Unit introduced the faltering of its replacement structures. The corruption prevention training and risk assessments never got off the ground. This failure was blamed by the SAPS management on the lack of support from senior management and poor monitoring of its implementation. Significantly, like found in other research studies, it was found that police officials are dishonest and take money from offenders and innocent people. The police steal drugs and other valuable items for financial gain. They work unsupervised and opportunities are taken advantage of, to commit acts of corruption. The strategy should be strong and legal and binding on police officials' actions and behaviour in the performance of their work and these strategies should target key issues. The recommendations which emerged from the literature are that a specialised unit dealing proactively with anti-corruption mechanisms in the SAPS be established. This information as a phenomenon added to the new knowledge of the research.

## 6.7 Summary

The results from the findings were reported. It was crucial for the study under review to comprise a reflection on the outcomes of previous research on corruption in police agencies. The discussions in this chapter described briefly the findings of the present research and explained what other researchers found on the same themes that emerged from this study. An argument was built around these findings, indicating whether they were similar or contrasting. When the findings in the present research were similar, explanations were given on the similarity. If different views were given and discussed, a wrap-up of the findings were provided. Chapter Seven will present the summary, recommendations and conclusion.

## **CHAPTER SEVEN**

### **7. SUMMARY, RECOMMENDATIONS AND CONCLUSION**

#### **7.1 Introduction**

The findings of the research led to the conclusion on which the recommendations in the research study are based. It is clear from the present study that although there are many laws, policies, regulations and strategies from within the SAPS to prevent corruption, the effect of these programmes on preventing corruption is minimal. In this chapter the summary, recommendations and conclusion will be provided.

#### **7.2. A summary of the research study**

Throughout the study the researcher intended to achieve the aims and objectives mentioned in Chapter One. This last chapter concludes the entire research by briefly summarising the entire study. The recommendations are made based on the findings from the study and it is briefly depicted in Figure 7.1, titled “A corruption and corruption-related offences prevention framework”. In this study the researcher aimed to learn more about the reasons “why” police officials commit corruption. There were many challenges encountered during the study, namely the introduction of a policy during the time of the research by the SAPS, making changes in the disciplinary procedures and the new instructions which required all police officials with criminal records to be dismissed from the police. The timing of the research affected the members’ emotional states, causing them to distrust the intention of the research. The participants were a bit scared and sceptical about doing the interview, which briefly included the nature of the semi-military rank levels and the command structure within the police as an organisation. It was not easy to interview police officials, as the researcher was a senior manager on the level of Brigadier in the South African Police service at the time of the interviews. The interviews with participants in the correctional facilities were scheduled to take place in the correctional facilities on one specific day. Unfortunately it happened that the Minister of DCS visited the offenders on the same date, leading to the abandonment of the task for the day. In order to manage the challenges, new dates



were planned for the interviews to take place. The researcher had to overcome some of the challenges by ensuring trust between the gatekeepers and the participants. The challenges of winning the trust of the participants were subsequently overcome by the researcher and as the main data collection instrument, it necessitated setting aside and bracketing his own experiences as a police official and a senior manager in the police. Once rapport and trust was built, the researcher conducted the interviews.

The difficulty of interviewing participants was exacerbated by fear of implicating their colleagues in the commission of crime and corruption. Many of them feared for their lives, explaining that the corruption was so well-organised that they could be victimised or killed. The participants gave their cooperation without being promised any special favour whatsoever. The researcher interviewed participants involved and alleged to be involved in corruption and corruption-related offences. These participants explained their roles and experiences of involvement in corruption by other police officials. The data were recorded with a digital audio recorder and the information was transcribed verbatim. The transcribed data was coded and categorised into themes. The themes were described and linked to relevant literature. The findings are utilised to provide recommendations and guidelines for the police.

The aim of this study was to explore why police officials commit corruption. In this study the researcher described measures that are in place by the SAPS to combat corruption and it determined the impact corruption had on their work environment and personal lives. The study described the police officials' feelings about being involved in corruption and the organisational challenges that created conditions conducive to corruption. The participants described the police officials' justifications for having committed corruption, "because others are doing so". The mentioned aim and objectives of the research were clearly stated in detail in the beginning of the research. It was necessary that the researcher explored them to learn more regarding the issue of police corruption. The chosen research area was

Gauteng Province and the findings of the research would benefit police stations nationally where there are comparable experiences of corruption by police officials.

The research was conducted by means of one main question. The question was simply phrased, and the same question was posed to all the participants. The main question was “Why have you committed corruption?” The researcher used a pragmatic research design to understand the participants’ experience of ‘why’ they committed corruption. The research was contextual and qualitative in nature. The researcher had freedom of choice regarding the methods, techniques, and procedures suitable to meet the requirements for the research. The research was done in a social, historical and political context. The researcher operated from a specific worldview, employing multiple methods of data collection to best answer the research question by means of multiple sources which focused on the practical implications of the research.

The population of the study is bifurcated. The first group of nine participants was located in four police stations and the second group of nine participants interviewed was ex-police officials incarcerated in Johannesburg and Leeukop Correctional facilities in Gauteng Province. The first group was selected from 142 police stations in Gauteng. The stations were those with the most senior managers and the stations with the highest number of police officials. The stations are situated in the different towns in Gauteng. One is in the west, the second in the central business district, the third in the south, and the fourth in the north of Gauteng. The names of the police stations are kept confidential to protect the identity of the participants, as they unequivocally stated that they could be killed if it was discovered that they provided the information.

The participants were chosen from the three main departments of a police station, namely visible policing, the detective service, and the employees in the support

components. The researcher purposively chose those that were arrested for crimes defined as corruption and those that had committed crimes involving theft, fraud, housebreaking and robbery. These police officials are charged for corruption, because these crimes were committed while on duty, abusing their power as a police official to evade the course of justice. The police officials used their official powers to gain entry into people's dwellings and then they stole and robbed their victims. These types of cases are also classified as theft and robbery and this is the reason why police now face cases of corruption and corruption related-offences which are also common law crimes. A purposeful sampling technique was used to select the 18 participants. This purposeful sample was done on the basis of the knowledge of the population regarding corruption and related offences in the police and the nature of the research aim. Permission was granted by the SAPS management to liaise directly with the relevant stations' HR Managers to acquire the names and address of those members who were convicted or were alleged to be involved in corruption and corruption-related offences. To interview the incarcerated ex-police officials, permission was obtained from the Commissioner of the Department of Correctional Services (DCS) through the Policy Co-ordination and Research Department.

Data were collected by performing in-depth interviews with the participants, and observations were carried out during these interviews while field notes were kept for the purposes of data triangulation. The in-depth interviews were unstructured and an open-ended question was asked to attain a deep understanding of the participants' experiences. The second set of notes was the key ideas mentioned by the participants during the interviews. To strengthen the data capturing and to record the exact words spoken, a digital audio recorder was used.

A pilot test was done and consisted of carrying out all aspects of the total data-collection process on a small scale. After conducting the pilot study the chosen research method was confirmed and determined as the most suitable method by the promoter. The performance of the researcher was evaluated and additional

training was done at a meeting session immediately after the interview. After completion of the pilot study, the researcher and the promoter were satisfied with the skills and techniques used by the researcher in interviewing, observing and recording data. Thereafter the researcher went to the next stage of the selected research community to build relations in the field and to collect the data using a digital recorder.

The recorded data were transcribed verbatim. The transcribed information was categorised and the real qualitative task was done by analysing the data and writing the narrative. Data analysis required the researcher to organize, provide structure to and elicit meaning from the obtained data and involved a step-by-step process of de-contextualisation and re-contextualisation of the end result, leading to the development of categories and themes.

The researcher developed themes and categories emanating from statements of the participants that had the same connotation and significance. A choice of the gist of five themes was generated and organized into categories. The final themes were presented to some participants a second time to validate the findings. No new data emerged from this interaction. The researcher gave the raw data in the form of transcription and field notes to an experienced independent coder for data analysis. The important criterion of qualitative research is found in the validation strategy used in the study to ensure credibility. The information gathered has to be credible, so that it can be transferable and dependable. The researcher has to have confidence in the findings and these principles are the key standards.

The principles of credibility were confirmed by conducting the research in such a way that the phenomenon of reasons why police officials commit corruption was accurately described. Credibility referred to confidence in the truth of the data and its interpretation. This guideline was steadfastly adhered to and the researcher reported the experience verbatim by means of a tape recorder. The other credibility strategies used in the study to strengthen the findings involved achieving a

prolonged engagement in the field of research, persistent observation, triangulation of data by at least three sources and *in vivo* quotes which were taken directly from the participants' references.

When data were conceptualised during the writing process for the study the researcher was aware of the ethical issues. In this research data were collected from people who had sensitive information regarding corruption in the Police Service. When writing about ideas, comments, suggestions and experiences, the researcher had to protect the participants, had to develop trust with them, promote the integrity of the research and guard against misconduct and impropriety. This was achieved by the use of an informed consent form. Ethical practices include much more than merely following certain guidelines. The researcher sought to explain those that are fundamental to the studies.

As can be seen in table 7.1 below the themes are the following:

- the high incidence of corruption involving all levels of policing;
- multiple environmental factors which contribute to corruption;
- forms of corruption;
- dynamics resulting from corruption; and
- anti-corruption mechanisms.

The high incidences of corruption involving all levels: seniors and junior officials of the police and other legal forces were described in detail. It was emphasised that this type of corruption is committed by permanent police officials, by reservists, and police officials in co-operation with other law enforcement departments. Some also mentioned in detail the ways in which the corruption occurs, and revealed that the rate of corruption is extremely high and that police officials go to work with the intention to collect money illegally. Police officials lack interest to perform their normal work and have their own objectives to make a certain amount of money. Some say that as soon as a police official reaches a senior level in the organisation, it becomes easier to commit corruption which is made lawful and subsequently the

system is exploited to their advantage. The junior police officials take money in small amounts from people who committed crimes and also from drug dealers to avoid arrest and prosecution.

Table 7.1 Themes and categories that emerged from the findings

1 High incidents of corruption involving all levels of the police
<ul style="list-style-type: none"> <li>• Corruption among all levels of the police</li> <li>• Reservists</li> <li>• Other government departments and law enforcement agencies</li> </ul>
2 Multiple environmental factors that contribute to corruption
<ul style="list-style-type: none"> <li>• Motivation to join the police and misuse of power</li> <li>• Fear of retaliation</li> <li>• Temptations and opportunities abound</li> <li>• Greedy nature and financial constraints</li> <li>• Social and Peer pressure</li> <li>• Workload and supervision: problems go unaddressed</li> <li>• Role of the court</li> <li>• Community involvement.</li> </ul>
3 Forms of corruption
<ul style="list-style-type: none"> <li>• Money</li> <li>• Gifts</li> <li>• Manipulating the system</li> <li>• Coercion and intimidation: Threatening the person to give evidence against the policemen</li> </ul>
4 Dynamics resulting from corruption
<ul style="list-style-type: none"> <li>• Providing the offender permission to commit the crime</li> <li>• Negative emotional responses leading to stigmatisation</li> <li>• Being set up</li> <li>• Corruption becomes normalised and sanctioned</li> </ul>
5 Anti-Corruption Mechanisms

Throughout the research it was mentioned that offenders give envelopes containing money to senior officers and devious methods are used by drug pedlars to hand over money to police officials, corrupting the police. This means that corruption is committed by senior officers and juniors with drug dealers and pedlars

so that drugs can be sold freely on the streets by these dealers without any fear of being apprehended.

Reservists are individuals utilised by the police service and recruited to work on a voluntary basis for the police in a specific station area. The participants stated that reservists also accept money from the public. This money is taken brazenly, without fear of being arrested; and these criminal acts are performed in front of permanent members who do nothing about this corruption. Reservists work long hours, taking money from the community they are supposed to serve. They then request permanent members to sympathize with them, because they are unemployed and earn no salary from the police or from the private sector.

Conversely, they own vehicles and live beyond their means. They work seven days a week and for the whole month. Participants kept on questioning the commitment of reservists who works voluntarily and for free, every day of the month and according to the quotes from the interviews, these reservists are susceptible to corruption and appear to be corrupted. There are other government departments that perform law enforcement duties in their field of work, for instance the SARS, the DHA and the NPA, but they function independently from the SAPS. They work in partnership with the police for their own safety and because the police have the power to arrest and investigate cases involving large amounts of money embezzled from the state and the smugglings of huge quantities of goods.

These duties must be performed together with the SAPS and when this is done the evidence in the cases of tax evasion is much stronger. There are strong allegations that implicate other government departments working jointly with the police to commit corruption. Together they target foreign business owners, examining their products in stock. Then, if these people refuse to pay an amount of money, their merchandise will be confiscated by these officials. Some police

officials work with the SARS officials to commit corruption by enforcing tax laws in an illegal manner. The police official detains un-documented persons for possession of invalid identity documents and Home Affairs officials are called in to validate the papers. The person is released, even though he/she failed to produce a valid passport. The arresting officer is informed it is a serious case of human trafficking and the matter will not be investigated further. The foreigner is relocated, after receiving information from the police. Foreigners without valid South African passports contribute to corruption, because it is easier for the police to take bribes from undocumented immigrants. This implies that corruption takes place jointly with Home Affairs and SARS officials.

Another finding indicates that the investigating officers work in collaboration with the prosecutors to close criminal dockets as withdrawn. In some instances when the docket with sufficient evidence to prosecute fails to be brought to court, the case docket is struck off the roll and the offender is released with the stated reason as 'case withdrawn'. After the case is closed money is taken from the accused, and the police share the money with the prosecutor, meaning that there is joint corruption between the police and prosecutors. The police officials plan their corruption with their colleagues and they take small amounts of money and free offenders from police custody. Offenders and drug pedlars give money to juniors as well as senior officers so that they can go on with their illegal activities without the risk of being arrested. Reservists, SARS officials, the DHA and the NPA should be supporting the police in apprehending officials and convicting them, but instead they connive with police officials to commit corruption, rendering the CJS ineffective.

The research pointed out that multiple factors contribute to corruption. The factors relate to personal circumstances that motivated police officials to join the SAPS and include the internal and external environment within which the police function.



It has become a custom that some police officials join for their own reasons while others were inspired to join owing to a lack of job opportunities and a need for a job. In some instances their families are from poor backgrounds and that they have a desire to make money, even if it is by illegal ways. It means that people joined the police with ulterior motives, to enrich themselves by making money by means of corruption. The levels of corruption by police officials are further intensified by a lack of necessary loyalty and commitment required to be an outstanding police official to serve the community. They should have the passion to make policing their careers when they enlist in the police.

They do not join the organisation because they have an ambition to be a police official. They think that they have found a quick fix for themselves as a result of lack of other job opportunities. Furthermore, the police wield much power which entails the authority given to them by the law, their knowledge of the law, and access to police resources like police vehicles and cells for detention. Police officials abuse the authority entrusted to them by making their own decisions whether to arrest or to accept money for the release of the offender. It is even an accepted practice to bribe a police official in return of being released from detention. Police officials thrive on the offers and are driven by their desire for money. They are enticed by the money given in abundance by the offenders. Money and property are freely available to the police from offenders, the community and undocumented immigrants. Offenders refuse to accept liability for illegal money found in their possession, making it easier for police to steal the money. The duties of police officials are largely unsupervised and when they come across an offender who offers them money, they are willing to accept it.

Criminals offer the police large amounts of money and the majority of police officials take the money, since they would already have spent their salary before the end of the month. This is an indication that police officials live beyond their

means and fail to budget properly according to their income, are indebted and succumb to the temptation of corruption by offenders who follow a lavish lifestyle. The luxurious lifestyles, wants and desires by the police exceed their middle class standard of living which they can afford on their salary. Police officials then become greedy as a result of their excessive need for materialistic things and for money. Greed appears as one of the main contributors to corruption and is continuously reported as the connection with activities of corruption.

On the other hand, an allusion is created that police officials have numerous financial constraints as a result of the high cost of living. The financial constraint is the monetary limitations and restrictions due to earning a low salary which prohibits the ability to meet their families' living costs, such as school fees and food. The crucial point is that there are contrasting reports of some police officials claiming that they are greedy, while on the other hand others say they have financial constraints. Nevertheless, police officials live beyond their means and then perceive that the police earn low salaries so they want to supplement their income by accepting money. Police officials make excuses that the cost of living is high and they have many expenses to maintain their families. They also obtain loans to follow a lavish lifestyle and often have extended families to support and sustain, resulting in them being corrupted to finance their perceived shortages in income.

The police develop a partnership with the community, and in their pursuit for a friendly relationship with the people they serve they now find it difficult to differentiate between offenders and decent community members. These friendships create some kind of obligation when they unsuspectingly choose offenders as acquaintances. This becomes a problem when it leads to helping these offenders. This creates a situation where the police are sometimes socially bound to allow the offenders to get away, instead of apprehending them. Many offenders are arrested and detained so many times and are well known in the

community and by the police. These unhealthy friendships compel the police to accept money or some kind of gift to release them when they have committed a crime, thereby contributing to corruption.

The influences of the external environment of the social pressures of life and internally the peer pressure of police officials on their colleagues to live beyond their means affect them to be under immense pressure to collect lots of money while on duty. They are persuaded by their colleagues to purchase expensive items of clothing and jewellery and this is reported as a motive to commit corruption. Perhaps it is an excuse, but police officials fear being harassed by criminals. The duties performed by police officials create anxiety and fear of retaliation from those that are arrested or when they are incarcerated into a correctional facility. Police supervisors have a heavy workload, with the result that they have limited time for command and control of police duties. This heavy workload, combined with having to attend to crisis situations, and other urgent tasks result in the fact that supervisors do not have time to monitor junior police officials and their whereabouts. The police officials under their command also have busy schedules, attending to complaints, as well as activities to complete after executing the arrest.

The opening of a case docket for the arrest and detention of an offender involves much administrative work and is time consuming. The busy schedule of police officials to attend to all problems and the subsequent inadequate supervision on junior official's results in corruption. The complications and challenges of presenting evidence in the case docket to the prosecutors for formulating charges are enormous. The prosecutors must assist in improving the investigation. This is done by giving guidelines regarding the evidence that is needed for a successful prosecution. Police officials have become despondent with the courts and the way offenders get out free without any conviction. Some feel that they have a good

case which can get a conviction, but the offender is nevertheless released. The offenders connive with the investigators and the prosecutors to weaken the case in exchange for money, although police officials are aware that these acts constitute corruption.

The tasks rendered by the SAPS are to serve and protect the community when some individuals commit petty and serious crimes. The end result will be that the communities corrupt the police, instead of assisting the police in preventing corruption and informing the SAPS management of the corrupted members. Individuals from within the communities want to evade justice and the police officials accept money because there is a voluntary partner to commit corruption. The police will remain corrupt and will thrive on this, as the victims of corruption are the willing partners who commit crime. The forms of corruption committed involve the taking of money, gifts, manipulating the system, coercion and intimidation of police and offenders. Money is accepted from offenders in order for them to continue with their devious actions. Police officials patrol in drug infested trade areas and the drug dealers approach and give the police money.

The police fail to perform their tasks of apprehending offenders as they are concerned with making money illegally to financially enrich themselves through corruption. The offenders give gifts to the police officials which are often in the form of a lunch, expensive alcohol and other beverages. Sometimes businesses that have been robbed offer police officials 10% of the recovered money as a gift. Gifts are provided to the police officials in order to establish a friendship with them and this is formed purposefully so that offenders can commit crimes and prevent them from getting arrested. The gifts are small tokens and presents given and are the beginning of all the dishonesty which can continue and lead to larger forms of corruption. The case dockets placed before a court for trial and the command structures are manipulated within the CJS by offenders so that they can continue

with their criminal deeds. The offender entices a senior officer from the SAPS to interfere with the case docket. This interference will result in the offender being released or the case docket closed. Junior members find it difficult to perform their jobs due to interference by their seniors whenever an offender is arrested.

The offenders purposively maintain contact with the seniors so that when they commit crimes they get the necessary protection from high ranking officials with whom they have good relationships. The informal system of influencing the closing of case dockets favours the offenders to continue with their criminal deeds, making it easier for corruption to also be perpetuated. The witnesses in criminal cases are intimidated to change their statements in the dockets and these statements are important to the facts of the case. Some offenders are promised to be released when they change their statements and implicate police officers who made the arrests. Once this coercion and intimidation has taken place the evidence and facts against the offender is destroyed and the facts in the dockets are altered to favour the offender. These changes of evidence in the case docket will immediately result in the case against this offender being closed and money is exchanged, which constitutes corruption.

Corruption leads to certain underlying factors which are referred to as dynamics resulting from corruption. These dynamics refer to providing offenders permission to commit the crime, negative emotional responses leading to stigmatisation, being set up and corruption becomes normalised and sanctioned. The power vested in police officials to perform their duties of preventing and investigating crime makes it possible to plan with the offenders and work with them as well as granting permission to commit crimes. This permission is unlawful and illegal; however it is granted by those with criminal intent to obtain extra money. The police who were supposed to prevent the crime become the criminals and incite criminal acts and corruption for additional monetary gain.

Whenever an allegation is made that a police official has committed a crime, the police feel that the criminal and departmental cases are unfairly instituted and improperly investigated, favouring the complainant. The extent to which they are stigmatised and victimised affects them emotionally, making them believe that they are unwanted in the police. In addition, they have negative feelings for the consequences that emanate from being arrested for corruption. They do feel bad about being alleged to be involved in crime and corruption. They feel that they are stigmatised and defamed by their colleagues, even before any investigation has begun in the corruption case. They also feel unhappy to have been involved in any illegal activity and they feel embarrassed and guilty about their involvement in corruption. Convicted police officials believe that they are framed by their seniors in the criminal and departmental cases. They believe this action is planned just to please the complainants and in some cases the complainants are friends of senior management.

Seemingly the findings at the departmental trials of dismissed officials from the SAPS for corruption cases are unfair and the sanctions handed down at the hearings are severe and biased, even if they are not guilty. Police officials are of the opinion that the entire departmental process is influenced by, and favour the management, even though there is insufficient evidence against them; implying that these investigations and trials must be done independently from the police. The illegal dealings and wrangling in order to commit corruption become a common practice and form part of the police officials' daily activities while performing their normal duties. To them it is a daily occurrence and they go from house to house to collect money. They are obliged to accept and take the money, and even though they know that it is illegal to take the money they also allow their colleagues to do it. Accepting small amounts of money does not constitute corruption to them anymore. It has become normal practice for a police official to commit corruption on a daily basis and they have made it their way of life to perform unsupervised corrupt acts during their routine of duties.

The knowledge and awareness of the anti-corruption mechanism known to police officials is determined by the rank level they are at in the organisation. A junior police officer stated that they are unaware of any anti-corruption mechanism, while senior police are fully aware of the strategy. In other words, the level of awareness of the anti-corruption strategy differs from person to person in the SAPS. Those police officials who are aware of the strategy say it is ineffective because the senior managers sensitise the juniors regarding the strategy and thereafter they do the opposite and commit corruption. The strategies to prevent corruption were communicated in the form of a presentation to most police officials who are already employed and it comprised a one-to two-hour session performed by the management information official as an awareness programme to refrain from corruption. Failure to comply will lead to departmental steps.

Essentially every police officer, irrespective of the rank, had to attend these work sessions and awareness campaigns. Throughout the research it became clear that the knowledge of this strategy was limited to a few of the police officials and only the high rank official was able to explain the strategy aptly.

### 7.3 Recommendations

The focus of this section is the recommendations in respect of measures to prevent corruption in the SAPS and to improve the ability of the police to trace and apprehend corrupt police officials and community members fermenting corruption. Throughout the research mention was made that corruption occurs across the broad spectrum of society and it happens in the private sector, communities and within the police. The police officials commit corruption because they have vast powers vested in them to make a decision whether to arrest or not to arrest and the offenders carry large amounts of money on them to pay the police for their release. The recommendations are based on the findings of the study and are intended to improve strategies utilised to prevent corruption. The preventative

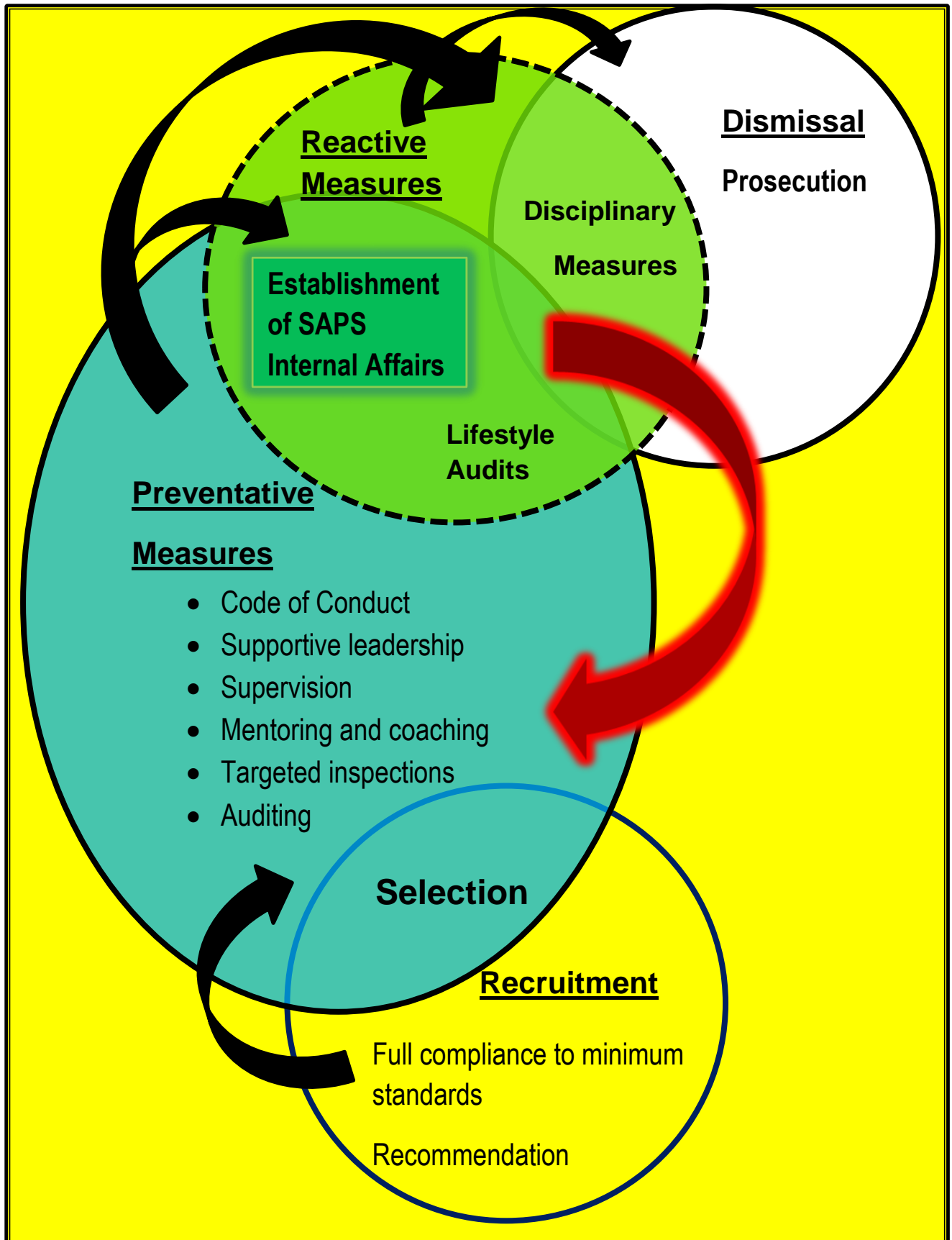
measures will be both reactive and proactive in nature. The recommendations are presented in figure 7.1, titled “A Corruption and Corruption-related Offences Prevention Model. The recommendations are formulated into specific themes and are as follows:

- Selection and recruitment of recruits. Senior management has to ensure policies are in place. Every police official performing this task must ensure full compliance to minimum standards regarding selection and recruitment, which has to include recommendations from the community.
- Prevention mechanisms like the code of conduct, supportive leadership, supervision, mentoring and coaching, targeted inspections and auditing and continuous lifestyle audits of police officials.
- Reactive measures like dismissal of police officials whenever they commit corruption and corruption-related offences. These dismissals have to be done by a legally correct prosecution in disciplinary and criminal cases.

The recommendations are the researcher’s contributions and will add value to the knowledge regarding anti-corruption mechanisms and improve the prevention of corruption and corruption-related offences in the SAPS. The recommendations depicted in the figure below, labelled 7.1, are clustered into four themes with sub-themes which are illustrated in four circles. The background is coloured yellow and for the purposes of this figure the yellow represents the community. The circles are yellow, blue, green and white and indicate the first level from entry into the police to the time of dismissal.



Figure 7.1 A corruption and corruption-related offences prevention model



The first recommendation is the selection and recruitment process and is depicted in a yellow circle, meaning that recruitment is done from the community. The second circle contains the preventative measures and is coloured in blue. This circle intersects with the selection and recruitment sections. This is because of the fact that preventative measures start with the selection of police officials with integrity from the community. The third circle represents the reactive and proactive measures, coloured in green and is depicted with a dotted line. The dotted line indicates that this recommendation does not exist currently and offences against police officials and cases of corruption are investigated by the SAPS, the IPID and the DPCI. These three institutions lack the necessary coordination in the investigation of cases against the police officials to the offending police official. The fourth circle is white and represents the dismissal as a result of the prosecution. After the dismissal of a police official the decision of the tribunal can be appealed. The red arrow shows that this person after dismissal, can get back into the SAPS and it may occur when the sanction of dismissal is overturned at the appeal. This circle also intersects with the reactive measures circle, showing that there is some relationship and a need for a dedicated unit to hear disciplinary cases against police officials involved in corruption.

### 7.3.1 Selection and Recruitment policy

The prevention of corruption and corruption-related offences starts with the advertisement of posts within the SAPS. The advertisement should mention the special requirements for selection. The selection process should consist of demanding criteria which emphasise important aspects for the selection of the best applicants suitable for the job. The selection process should concentrate on testing the applicants for their honesty and potential to work with people and to be client-orientated. Their behaviour pattern and trends towards corruption should be tested with a psychometric assessment and a polygraph test, ensuring individuals with corrupt tendencies are sifted out. Interviews must be thorough regarding ethics and honesty. The process should entail tests and reference checks in the applicant's neighbourhood by the crime intelligence to determine the type of

background of the applicant and to find out if the applicant has been involved in criminal activities (Cascio, 1992). More and Miller (2011) suggest that recruitment should be a multidimensional process planned to encourage people to pursue careers in the police service and to select individuals who are qualified to do the job. The researchers found that successful recruitment procedures demonstrate the same characteristics in most police departments. Porter and Prenzler (2012) explain that the Victoria police in Australia has a dedicated integrity testing unit administered by the Office of Police Integrity which was established in 2004. The complexity and controversial nature of integrity tests warrant a specialist unit with dedicated experts. The Office of Police Integrity indicated that if the integrity tests are properly dealt with, it would bring benefits, including proactive evidence for corruption and would generate a valuable deterrent effect. After completing and passing the initial entrance exams, applicants complete a personality profile questionnaire and the next phase involves a panel interview using a behavioural interviewing method. Applicants may also be interviewed by the police psychologist for further psychological assessment. Aspects of an applicant's character and background are taken into consideration, as well as fingerprint checks and any integrity issues (Porter & Prenzler, 2012). The SAPS management should have a proper programme and unit investigating an applicant's background and scientific testing should be done to get the candidate with the most appropriate honesty levels to be recruited.

### 7.3.2 Preventative mechanisms

Preventative mechanisms are all processes and procedures that should be undertaken to prevent the occurrence of corruption. These are mechanisms that are used to proactively be a deterrent and police officials should have the necessary fear of the policies and legislations dealing with corruption. The mechanisms will be presented in the following section. These mechanisms are the code of conduct, supportive leadership, supervision, mentoring and coaching, targeted inspections and auditing.

### 7.3.2.1 Code of conduct

The code of conduct should be the guiding framework for the ethical and honest handling of police officials' behaviour, both on and off duty so that they conform to pre-set disciplinary standards and norms. It was proven that similar processes have been undertaken in the South Australian Police and their Ethical and Professional Standards Branch is involved in ethics training at all levels of the service, including cadet sergeant, officer training, protective services officers, and call centre operators. While ethics are taught generally within the cadet courses by trainers, the Ethical and Professional Standards Branch provides sessions to enforce particular points where the need arises (Porter & Prenzler, 2012).

Rogers (2008) states that leaders must control themselves and display a mature moral view as well as professional ethical moral principles. A good leader must actually lead by example and must not engage in activities that may lead to misuse of police equipment or supplies. Ethics is closely linked to the idea of integrity. Integrity means being trustworthy and honest, it is about knowing the vision, and code of conduct of the police service and always behaving in accordance with those values as a guide (Rogers, 2008). The code of conduct should be effective and when enforced in terms of the disciplinary process the outcome should be first to develop the police official and thereafter harsher outcomes should be meted out. Training should be provided in detail at the police training centres and should be on-going to all police officials.

### 7.3.2.2 Supportive Leadership

The leadership in the SAPS should be supportive to police officials' legal actions during the arrest of violent criminals and actions in dangerous situations. Rogers (2008) argues that police officials should be praised and awarded for their good work and that it is a vital element of being a good leader. The praise should be honest and will be effective if it is given on the parade, and in staff meetings. The praise will improve the moral status, and self-confidence of the police officials receiving it. The other police officials will note that good work is acknowledged and

that deserving people are not overlooked. The reason leadership is so important to the SAPS is that the police officials will achieve the aims and objectives of their job descriptions according to a plan. People demand outstanding standards of behaviour and integrity from police officers, as they strive to prevent crime and disorder, uphold the law, and protect the rights of citizens, and leadership is a key factor in the best performance of the police to attain good results (Rogers, 2008). The excellent work done in every aspect of the police should be officially recognised by the leadership.

The support given should be in line with the organisational goals with strict and principled compliance to the laws. The support should follow a pre-set standard and guideline, with proper policies in order to ensure fairness. At the same time the support given by the leadership should be in line with the vision of the SAPS and should strengthen and reinforce its goals and objectives. There should be no deviation from the norms of the laws and policies in the police. Whenever it is discovered that certain police officials are good performers they must be given all the support in the form of employee wellness programmes and support to ward off any threats to the police. The SAPS has implemented the performance enhancement process to regulate the management and development of the middle level and junior level. For the senior management level the police managers have to complete a performance agreement indicating the targets to be achieved in improving productivity (SAPS, 2005).

The PEP process is a legal way, intended to monitor the performance of individual police officials and thereafter taking positive measures to support and improve police officials' performance towards the goals of the SAPS. Currently these documents are written records of the targets achieved during a specific quarter and finally at the end of the financial year an overall score is given. Performance documents were meant to improve and align the development of the police official. In essence the paper work is done, scores are recorded and the productivity of the department and the SAPS is never aligned with individual scores. Furthermore, the

lack of training recorded in this document is ignored and instead other development is provided for police officials and managers. Basically the performance management process is less likely to be used as a support structure to improve and develop police officials by the leadership of the SAPS, since crime always increases and the productivity and successes are adversely affected by the environment within which the SAPS functions.

#### 7.3.2.3 Supervision

Supervision requires proper control, monitoring and responsibility for the performance of the junior police official's work. The police supervisors should guide the juniors to undertake their work with honesty, integrity and be exemplary models themselves. The supervisors should spend 70 % of their work time with the juniors, following a hands-on approach to services rendered. The supervisors should physically participate in operations. Dunham and Alpert (2001) explain that supervisors should pay more attention to organisational culture and value and less time to formal written rules and disciplinary procedures. When police officials are guided by a clear, officially approved value system, they will usually make good decisions and take the required actions against offenders and proper steps towards improving service delivery. While all this is achieved, they should not lose sight of the rules and regulations governing ethical issues in the police. More and Wegener (1990) support the view that supervisors in police organisations are multidimensional players who act as technical advisors, role models, teachers, counsellors, leaders and when all else fails, as disciplinarians. The main aim of the supervisors should be to work towards attaining the purpose of the performance process as explained in paragraph 7.3.2.2.

#### 7.3.2.4 Mentoring and coaching

Mentoring and coaching refers to the development of police officials' skills and knowledge through informal teaching and is very important for the SAPS to eventually improve productivity and service delivery. Rogers (2008) states that mentoring includes motivation, the provision of encouragement and support, as

well as teaching individual police officials the correct way to do their work in a responsible way. More and Miller (2011) support this definition and agree that mentoring is an essential leadership skill for managers for the motivation of police officials. Smit, Cronje, Bevis, and Vrba (2013) explain that mentoring aims to enhance an individual's capabilities and standing in the organisation. It also addresses the person's inner self by a process while an experienced person will provide guidance, information and advice. Mentoring and coaching is an inclusive process of proactively developing each subordinate by observation, assessment and teaching. The managers in the SAPS should develop the skills and knowledge of every police official through a systematic and well-structured mentoring and coaching programme. This should be informal training provided to subordinates to develop skills, knowledge and confidence in addressing challenges within the SAPS. Every police official has to ensure that the strategies and objectives of the SAPS are to be achieved. The development of police officials will be a venture which will improve the morale and productivity. Therefore to improve learning in the SAPS, mentoring and coaching should be vigorously promoted and formulated as part of the contract of every police official.

#### 7.3.2.5 Targeted inspections and auditing

The work performed by the police service must be regularly and properly inspected and audited especially where large amounts of money and state resources are used. Police officials who work on patrol duties and investigation of dockets must be inspected unannounced on the job. The dockets must be inspected thoroughly with key questions to the victims to analyse the findings in court and whether the victim was aware of the outcome. Patrol officials must be visited to ascertain if they are patrolling in the area they are deployed to work in, and vehicles must be checked if there are any people detained in the vehicle for valid reasons. The successes of these officials must be scrutinised to determine if there are any irregularities and the nature of the cases people are detained for. Police officials must have their name badges on their chests so that their identities can be taken down by the victim of corruption.

The work conducted in the support environment should also be inspected and audited regularly. The financial offices keep in their possession large amounts of money for financial transactions. They are also responsible to authorise payment on the computerised financial system for various goods and services supplied to the police. The supply chain approves the procurement of goods and services to suppliers. Therefore all the work done in the support environment must be inspected and audited to validate the information in the documents and that correct procedures were followed. Currently these types of inspections and audits are conducted by the evaluation component and the auditing departments and they are unable to detect corruption in the SAPS. These components need to be trained and skilled in these types of functions of detecting corruption in the police due to the changes in certain functions to authorise payment to suppliers at the accounting station level.

Porter and Prenzler (2012) explain that the targeted approach of monitoring and audits has a deterrent effect that sends a fright through the organisation when people are aware that their work is subjected to an audit and review. Vazquez, Granado and Boex (2007) state that internal and external procurement quality controls and independent auditing should be performed frequently to administer the transparency of the system utilised. In order to keep corruption out of the police procurement process, the higher level officials should be kept out of the influencing of procurement decisions. Therefore clear and concise methods should be practised, regulating the prevention of interference in the work of police officials in charge of procurement of goods and services. The key factor to seek a corrupt free procurement process should be merit-based recruitment and training programmes and there should be job rotation within the same environment, but in other areas.

#### 7.3.2.6 Lifestyle audits

The vast majority of the police officials are honest and diligent, endeavouring to perform their work to the best of their ability and ensuring that most of the



criminals face justice. There are a few among the vast majority of police officials who are dishonest, corrupted and who connive with criminals to enrich themselves. Even if the salaries are increased at all levels, some police officials will still become corrupted. The SAPS should continuously monitor the financial activities and lifestyles of police officials with a view to uncover the sudden wealth gained by some police officials. Porter and Prenzler (2012) mention that in the Queensland Police Service the Queensland Crime and Misconduct Commission was formed in 2002 to handle and deal with a wide range of misconduct, part of which was to improve integrity. In order to achieve a high standard of integrity, the Commission focuses on investigations, monitoring, capacity building, prevention, conducting research, intelligence gathering and protecting of witnesses.

Sangweni and Balia (1999) recommend that a public official, in this case a police official's, wealth must be observed or monitored to detect any sudden and inexplicit improvement in lifestyle. The use of covert tactics, especially surveillance has been viewed as effective in the United States by the Knapp Inquiry (Armstrong 1972), and in Australia, by the New South Wales Wood Commission (Porter & Prenzler, 2012). Covert strategies and the display of selected results in the media were considered to make police officials afraid of committing corruption (Porter & Prenzler, 2012), including the garnering of public support. Their continued use of covert strategies has been part of the gradual adoption of standing commission powers and strategies for maintaining the fight against corruption. Surveillance is a particularly important strategy in police corruption investigations, because of police knowledge of how to defeat standard investigative methods (Prenzler, 2009). The SAPS should have a high level, ethically correct unit to continuously monitor police officials' lifestyles. This should be a properly legalised unit, established separately and independently from the SAPS, performing duties under the Minister of Police. This unit should perform lifestyle audits on each and every police official and continuously verify the security clearance of every police official. Polygraph tests should be done, bank

accounts and style of living monitored and security clearance has to be done on every police official. This unit should also be involved in awareness programmes, dealing with police officials' knowledge regarding anti-corruption mechanisms and steps to be taken. This unit has to be independent, since communities and police officials have to have trust and confidence in this unit to volunteer to be witnesses in corruption cases among police officials.

### 7.3.3 Reactive mechanism: supervision and disciplinary measures

The disciplinary measures should be stringently enforced against those police officials committing corruption. The hearing of these cases at a disciplinary trial should be speedily finalised, especially when allegations of corruption surface. The matter must be properly investigated and placed before the disciplinary tribunal with all the relevant evidence in an un-biased manner. The persons investigating and prosecuting in these cases should be trained in all aspects of the disciplinary processes and the law. Even the persons presiding over such cases have to be trained in the procedures in chairing a tribunal in a fair manner, free of any favouritism. After the completion of the tribunal and a guilty verdict has been determined, the sentence should entail a dismissal from the service together with a payment of the cost of training and all losses incurred by the client. More and Miller (2011) mention that negative discipline is founded on the use of punishment, rather than rewards and it is used by the seniors when all positive methods have failed to change the police official's attitude to comply with the specific, expected performance standards. Disciplinary actions which are the last resort are meant to punish the police official for the alleged misconduct. These actions are intended to control and bring back order, ensuring that the integrity of the organisation is maintained.

More and Miller (2011) suggest that a good disciplinary system should portray the following characteristics:

- Proper assignment of personnel to jobs within the organisation, based on their interest, skills, utility, and specialised training.

- Necessary and reasonable job-related policies, procedures, rules and regulations formulated to govern behaviour in the workplace, meet employee needs, and accomplish the department's mission, goals and specified objectives.
- Effective communication of information regarding expected performance and acceptable behaviour to all employees, along with an explanation of the probable consequences of non-compliance.
- Continuous review, evaluation, and appraisal of all personnel to assess strengths, detect weaknesses, and identify disciplinary problems that may require immediate attention.
- Consistent, fair, and equitable enforcement of all policies, procedures, rules and regulations within the organisation.
- Mutually acceptable, institutionalised disciplinary procedures based on a "due process" model that is in harmony with applicable civil service regulations and negotiated collective bargaining agreements.
- A formal appeals procedure designed to ensure fairness of all disciplinary actions and to serve as a check and balance on the imposition of punitive sanctions. The police official should be given an opportunity to appeal against the sanction which has to be verified by an independent structure to ensure fairness in the disciplinary procedures.

The disciplinary procedures of the SAPS require a police official involved in a criminal offence and other disciplinary infringements to explain his/her version of what transpired regarding the incident. In this process transgressors are assisted by a union representative to defend and represent them in the event of the case proceeding to a hearing. At the trial this union representative cross-examines the witness and places objections with regards to the procedures at a trial. The union representatives are successful with the decision by the chairperson in the departmental hearing. The inclusion of a union representative in representing alleged offending police officials causes an impediment to the management of the SAPS and makes it difficult for them to find a corrupted police official guilty. This

will continue to be a problem as the union receives a fee deducted from police officials' salaries who are members of that union. These fees are used to train union representatives in basic legal principles and knowledge about defending police officials in trials and at arbitrations.

Conversely, police officials representing SAPS are untrained and work with the offender, affecting their confidence in performing their work properly. This challenge can be overcome if there is a properly structured legal unit with trained officials representing the SAPS. The disciplinary procedures should be finalised as speedily as possible to prove that committing corruption will not be tolerated. It is recommended that the SAPS should establish a highly trained unit with the above-mentioned characteristics to deal with disciplinary matters. The SAPS needs to train police officials on the procedures in terms of the various legislations. Police officials should be provided with regular training regarding expected outcomes and behaviour at work. Before enlistment and afterwards police officials should be vetted, receive security clearance, bank accounts and friends be monitored; and undue wealth must be investigated continuously on a three year basis. Those police officials who associate with criminal gangs for information must be continuously monitored.

Priority should be given to an anti-corruption unit, solely investigating police officials involved in criminal activities. These state investigators should work independently from the police, with their own resources and power to monitor police officials' bank accounts and movement of money to other accounts. These officials should have no links with the police and they must be professional and legally correct in their decisions and actions during investigations. In line with this unit a specific division should be created on the crime administration system for corruption cases that are registered against police officials. This will assist in proper monitoring of corruption within the SAPS by this unit and police management.

#### 7.3.4 Awareness and Education

Throughout this study, mention was made that there are two parties involved in corruption by the police. The one party comprises the police officials, while the other party emerges from the communities that are involved in criminal activities. To prevent corruption, a thorough awareness campaign should be implemented with the communities and the police. The anti-corruption strategies will be transformational to suit the unique situation of the crime, the communities and the ever-improving modern technology. Some strategies that worked previously may not necessarily work again at a later point. Therefore to keep abreast of the times, it is essential to constantly review and audit the effectiveness of the institutional framework, so that small changes can be made to the strategy as and when required (Hough, 2013).

Communities are aware that when they bribe the police and vice versa, the police are knowledgeable about the corruption committed by them. The police strategy should include continuous and vigorous awareness campaigns in the community, sensitising them that it is illegal to pay a bribe and that it constitutes a crime of bribery. They must be sensitised to refrain from giving money, gifts and gratuities to police officials for crimes committed by themselves and for favours, for instance in obtaining a firearm licence and for being awarded a tender in SAPS.

- The awareness programmes can be done through the electronic and print media. Newsletters containing guidelines and telephone numbers can be given to communities at shopping centres, at informal settlements and to commuters passing through taxi ranks.
- The community police forums can also hold workshops, encouraging the public to report corrupt police officers and to report corruption if they witnessed such an act. Communities should be educated regarding the duties and responsibilities of the police, possible levels of misconduct and when an act can be regarded as a criminal offence.

- The police should provide a special hotline number, which is currently operative, but it must be an improved systematic operational hotline. The persons receiving the complaint must work swiftly and there must be a team of investigators investigating these complaints and reports. The actions taken from the time of reporting to the time of investigation has to be conducted speedily. These hotline numbers must be easily accessible; and proper data and records must be kept of every allegation. The reporters of these corrupt deeds must be given feedback regarding the outcomes of the investigations.
- Police Academy - The police programmes should involve induction from the date of enlistment during basic training. The code of conduct and the anti-corruption strategy should be compulsory subjects. These two important proactive measures should include cases studies where senior and junior officials were arrested for corruption, as well as measures how to arrest community members who try to bribe the police.

Awareness and Education will be used as one of the diagnostic approaches to the prevention of corruption among police officials. Thorough knowledge and understanding of the problems experienced by police officials and communities will help to prevent corruption. Police officials and communities should be educated and sensitised by means of awareness campaigns and workshops. These campaigns must adapt to the changes within the external and internal environments of the SAPS. Communities should be motivated not to be involved in corruption and should be encouraged to report corrupt police officials. This action must occur on an on-going basis to ensure a favourable impact towards the prevention of corruption.

### 7.3.5 Conclusion

Corruption was found to exist within all levels of the police and it is not unique to the SAPS, but has its own trends in police agencies across the world. Corruption creates many problems for an organisation like the SAPS and this study sought to

understand why police officials commit corruption. The knowledge gained in the study aims to contribute to additional recommended measures to the SAPS for the prevention of corruption. With the change in the political situation in South Africa after 1994, the South African government established commissions and investigative bodies like the Scorpions to investigate corruption. These bodies really made an impact on investigating high levels of corruption and people had a fear to commit corruption. As a result of all the incidents of corruption reported in all the sectors recently, the urgent establishment of a 360 degree anti-corruption initiative, tackling most serious cases of corruption and organisations infested with corrupt officials is imperative.

This chapter provided a summary of the research. Recommendations were made and discussed. The recommendations were linked to literature and theory by national and international authors. The findings of this research were similar to other comparable research on related topics and lastly the conclusion of the study was presented.

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# ADDENDUM 1



## PERMISSION TO CONDUCT RESEARCH IN THE SAPS

**RESEARCH TOPIC:** A phenomenological approach to understanding corruption at Gauteng Police stations.

**RESEARCHER:** Brig RGD Rajin

Permission is hereby granted to the researcher above to conduct research in the SAPS based on the conditions of National Instruction 1 of 2006 (as handed to the researcher) and within the limitations as set out below and in the approved research proposal.

This permission must be accompanied with the signed Indemnity, Undertaking & Declaration and presented to the commander present when the researcher is conducting research.

This permission is valid for a period of six months after signing.

Any enquiries with regard to this permission must be directed to Lt Col Moolman at [moolmanj@saps.gov.za](mailto:moolmanj@saps.gov.za) or Asst Dir Mkwanazi at [Phaka@saps.gov.za](mailto:Phaka@saps.gov.za).

**NOTE TO SAPS MEMBERS:** *This permission does not constitute permission to conduct research during the working hours of the researcher.*

### RESEARCH LIMITATIONS / BOUNDARIES:

**Research Instruments:** Interviews (Structured)  
Interviews (Semi-structured)  
Interviews (Unstructured)

**Target audience / subjects:** VISPOL members  
Detective members  
Support Services members

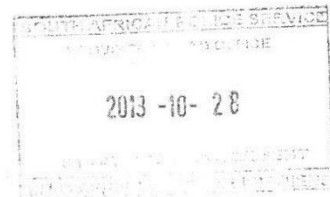
**Geographical target:** Krugersdorp-, Hillbrow-, Tembisa-, Vereeniging Clusters & Provincial behaviour Management

**Access to official documents:** SAPS Corruption prevention strategy & related documents.

**NOTE:** *The researcher will be liable for any costs for these documents as specified by the Minister in terms of the Access to information Act, 2000 (Act 2 of 2000).*

  
SUB SECTION HEAD: STRATEGIC MANAGEMENT (RESEARCH)  
J MOOLMAN

LT COL





## ADDENDUM 2



### correctional services

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Tel: (012) 307-2770

Fax: (012) 328-5111

#### INTERNAL MEMO

DATE:	26 MAY 2014	FILE NR:	4/7/4/1/150
TO:	REGIONAL COMMISSIONER GAUTENG	FROM:	RESEARCH DIRECTORATE
SUBJECT:	RE: APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON: "A PHONOLOGICAL APPROACH TO UNDERSTAND CORRUPTION IN GAUTENG POLICE STATION"		

#### REGIONAL COMMISSIONER GAUTENG

1. This is to inform you that the application on the above-mentioned research has been approved.
2. You are therefore requested to grant permission to the following researcher to conduct the said research **Mr RGD Rajin, ID No 5807105097086**. The researcher intends visiting Leeuwkop Correctional Centre, Pretoria Central Correctional Centre and Johannesburg medium Correctional Centre.
3. Please take note that:
  - 3.1 The researcher is not allowed to use photographic or video equipment during her visits to the Correctional Centre, however the audio recorder is allowed.
  - 3.2 It is the researcher's responsibility to make arrangements with the Correctional Centre for the visiting times. The researcher has been informed of this arrangement.
  - 3.3 The security measures are still applicable and must be adhered to by the researcher.
4. Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number 012-307-2770 or 305-8554.

Your co-operation is highly appreciated.

  
ND SIHLEZANA

DC: POLICY CO-ORDINATION & RESEARCH

DATE: 27/05/2014



**correctional services**

Department:  
Correctional Services  
REPUBLIC OF SOUTH AFRICA

Private Bag X136, PRETORIA, 0001 Poyntons Building, C/O Church and Schubart Street, PRETORIA

Tel (012) 307 2000, Fax (012) 328-5111

**Mr RGD Rajin**  
**28 Reinette Drive**  
**Constantia Kloof**

Dear Mr Rajin

**RE: FEEDBACK ON THE APPLICATION TO CONDUCT RESEARCH IN THE DEPARTMENT OF CORRECTIONAL SERVICES ON "A PHONOLOGICAL APPROACH TO UNDERSTAND CORRUPTION IN GAUTENG POLICE STATION"**


It is with pleasure to inform you that your request to conduct research in the Department of Correctional Services on the above topic has been approved.

Your attention is drawn to the following:

- The relevant Regional and Area Commissioners where the research will be conducted will be informed of your proposed research project.
- It is your responsibility to make arrangements for your interviewing times.
- Your identity document and this approval letter should be in your possession when visiting.
- You are required to use the terminology used in the White Paper on Corrections in South Africa (February 2005) e.g. offenders not prisoners and Correctional Centres not prisons.
- You are not allowed to use photographic or video equipment during your visits, however the audio recorder is allowed.
- You are required to submit your final report to the Department for approval by the National Commissioner of Correctional Services before publication of the report.
- Should you have any enquiries regarding this process, please contact the Directorate Research for assistance at telephone number 012-307-2770/ 012-305 8554.

Thank you for your application and interest to conduct research in the Department of Correctional Services.

Yours faithfully

  
**ND SIHLEZANA**  
**DC: POLICY CO-ORDINATION & RESEARCH**  
**DATE: 27/05/2014**



## ADDENDUM 3



### COLLEGE OF LAW RESEARCH ETHICS SUB-COMMITTEE

4 November 2013

Dear Brigadier RGD Rajin

#### **REQUEST FOR ETHICAL CLEARANCE: A PHENOMENOLOGICAL APPROACH TO UNDERSTANDING CORRUPTION IN GAUTENG POLICE STATIONS**

The UNISA College of Law Research Ethics Sub-Committee is pleased to inform you that ethical clearance for the above research project has been approved.

We hope and trust that as you proceed with your empirical study you will continue to adhere to the values and principles expressed in the UNISA Research Ethics Policy, which can be found at the following website:

[http://www.unisa.ac.za/cmsys/staff/contents/departments/res\\_policies/docs/Policy\\_Research%20Ethics\\_rev%20app%20Council\\_22.06.2012.pdf](http://www.unisa.ac.za/cmsys/staff/contents/departments/res_policies/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf)

Yours faithfully

A handwritten signature in black ink, appearing to read "M. Schoeman".

Dr Marelize Schoeman  
Delegated Chairperson  
College of Law Ethics Review Committee  
Tel: +27 12 429 6680  
E-Mail: [schoemi@unisa.ac.za](mailto:schoemi@unisa.ac.za)



## ADDENDUM 4

### INFORMED CONSENT FORM

PARTICIPANT:.....

**Affiliation:** I am a student at UNISA and studying for my PHD in Policing.

**Researcher:** Mr R.G.D Rajin

**Title of Study:** A PHENOMENOLOGICAL APPROACH TO UNDERSTANDING CORRUPTION IN GAUTENG POLICE STATIONS.

**Purpose of Study :** The purpose of the study will be to gather insight into the lived experiences of police officials that are committing corruption. The findings will add to new knowledge to the Academia.

#### Procedures:

The researcher will be conducting the interview with the help of an interview schedule. The researcher will also make use of a tape recorder to record conversations. The interviews will not be longer than three hours, but may end sooner by natural process or on request of the respondent or researcher, depending on the circumstances.

#### Risks and Discomforts:

You the respondent may become tired or feel emotional discomfort at which point a break may be requested or the interview may be postponed to a later date or terminated if so desired. The researcher will make every effort to ensure the comfort and minimize the risks of the respondent.

#### Benefits:

It is my hope that you partaking in this study will feel the satisfaction of contributing to solving a social problem and facilitating in eliminating the problem for those studying the phenomena, which may help others in the future. The respondent shall also assist in providing insight into the problem, which can stimulate future research, and thus be of even greater help in the future. On a personal level, it is the hope of the researcher that the respondents will obtain personal satisfaction once they have discussed certain issues with the researcher and thus gaining personal insights that were not gained prior to the interview.

#### Respondent's Rights:

Participation in this study is voluntary and may be withdrawn at any time without negative consequences for the respondent. All information is treated as confidential and anonymity is assured by the researcher. The data shall be destroyed should the respondent wish to withdraw. The researcher and his supervisor is the only individuals who will have access to raw data from interviews, and hereby ensure that data will be treated as stipulated above.

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## ADDENDUM 4

### Right of Access to Researcher:

Respondents are free to contact the researcher at the telephone number as stipulated on this form, at a reasonable hour, in connection with interview particulars, if they so wish.

Thank you for your participation in this study.

I, the undersigned, agree to participate in this study voluntary without duress.

Signed at.....on this.....day of .....20.....

Signature : ..... (Print Name .....)

Name : R.G.D Rajin

Cell No 082 499 8232



the spirit that moves

**STUDENT:** R.G.D Rajin (0396-451-5)

**THIS IS TO CERTIFY THAT:**

Prof. Jeanette Maritz has co-coded the following qualitative data:

**Individual interviews**

**For the study:**

“A PHENOMENOLOGICAL APPROACH TO UNDERSTANDING CORRUPTION IN  
GAUTENG POLICE STATIONS”

I declare that we have reached consensus on the major themes of the data  
during a consensus discussion.

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Prof. Jeanette Maritz (D.Cur; M.Cur; B.Cur (Ed.et.Adm); Advanced Research Methodology

jeanettemaritz@gmail.com

Dr.Retha Visagie (M.Cur; B.Cur (Hons); BACur); Advanced Research Methodology

rgvisagie@mweb.co.za